



MAIDSTONE BOROUGH LOCAL PLAN REVIEW

**DRAFT PLAN FOR SUBMISSION
(REGULATION 19)**

**OBJECTION TO SOUNDNESS ON BEHALF OF
SAVE OUR HEATH LANDS (SOHL)
ACTION GROUP**

12 December 2021

This representation has been prepared by Steve Heeley, Richard Proctor & Kate Hammond from the SOHL Management Committee with contributions from others. We wish to attend and speak at the Hearing supported by consultants and legal representatives as required on any matters that relate to Heathlands, garden settlements, or the wider spatial strategy.

We would be pleased to discuss this submission and any of the appendices. Please feel free to contact us on saveourheathlands@gmail.com

All papers are available on our website: www.saveourheathlands.co.uk

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Introduction to Save Our Heath Lands (SOHL)

Save Our Heath Lands (SOHL) is a volunteer organisation formed in September 2019 in response to the Council-led garden community proposed for Lenham. SOHL has overwhelming local support from residents in Lenham and the surrounding villages. This is evidenced by the unprecedented support for our 2020 petition which attracted over 4,500 signatories, our community meeting organised in January 2020 which was attended by nearly 300 residents, a protest day in October 2021 attended by over 150 residents, and a large social media following.

SOHL is not anti-housing. We believe housing should be placed in sustainable locations that meet local housing need. We support Lenham's adopted Neighbourhood Plan which provides for over 1,000 new homes in the village over the next ten years with 92% of voters supporting the plan at referendum. We believe Lenham has accepted significant future housing growth, disproportionately more than other Rural Service Centres and Larger Villages in the borough.

SOHL has played a critical role since its formation in holding MBC to account. Without the countless public questions, speeches at committee meetings, lobbying of councillors and forensic investigation of the borough council's business over the last two years, MBC would have failed to ensure the proper separation of its role as Local Planning Authority and master-developer. Our work has been hampered by the Council's preference to hide behind a Public Interest Test to limit the disclosure of information.

Since 2019 we believe the Heathlands project has been mired in secrecy and subterfuge. We were successful in lobbying for a council motion in April 2020 which ensured an update report on the project was brought to each future Policy & Resources Committee to provide transparency on the council's work. This report is often futile and absent of any material new information.

SOHL has sought to engage constructively in the plan-making process throughout. We made a formal submission to the Regulation 18b consultation last December. We will continue to be constructive in our engagement with Maidstone Borough Council (MBC) on the proceeding stages of plan-making.

Soundness

SOHL does not believe the Maidstone Local Plan (Regulation 19) can be found sound because the inclusion of **Policy No LPRSP4(A): Heathlands Garden Settlement** does not meet three of the four National Planning Policy Framework's tests of soundness.

Not justified

SOHL does not believe the Maidstone Local Plan Review Draft for Submission is an appropriate strategy for the borough which takes into account the reasonable alternatives based on proportionate evidence. Our reasons for this are:

(1) the same standard of evidence has not been applied to each and every reasonable alternative proposed, and especially in relation to the sustainability appraisal: the Sustainability Appraisal (SA) sets out in paragraph 4.35 that three garden settlement sites were *"to be considered to have sufficient potential to be achievable in principle. They were therefore subject to the SA."* This included Lidsing, Heathlands and North of Marden.

Table 4.7 of the SA sets out the anticipated provision at each garden settlement option. Basing the testing of reasonable alternatives on this provision list is fundamentally flawed as the same standard of evidence has not been applied. It can be argued that the evidence base is far stronger and complete on Lidsing and north of Marden in comparison to Heathlands. Table 4.7 includes items such as a new train station for Heathlands even though the published evidence base includes correspondence from Network Rail raising caution in making this assumption. Furthermore, the table is absent of key infrastructure requirements such as significant capacity upgrades required to the A20 to support the scale of the Heathlands policy.

(2) Unjustified political bias has been placed on promoting Maidstone Borough Council's (MBC) own garden community settlement – Heathlands – over and above other proposed settlements: the LPA has failed to set out clear reasons for the preferences it has placed on some alternatives compared to others. No clear justification has been given as to how the Garden Settlements were refined and for north of Marden not to be included as one of the two garden settlement policies despite the SA stating in para 4.47 that *"the garden settlement option that performed most strongly in sustainability terms was Lidsing, followed by North of Marden; Heathlands performed least well across the range of sustainability objectives."*

There has been a significant lack of transparency, evidence and rationale as to how the two garden settlement policies have been arrived at. We can only assume that the LPA has been **pre-determined by the political leadership** on their own promoted site over and above the most sustainable and suitable alternatives.

Not effective

SOHL does not believe the Maidstone Local Plan Review Draft for Submission is deliverable over the plan period, nor has it been based on effective joint working on cross-boundary strategic matters. Our reasons for this are:

(1) The Heathlands garden settlement is not viable and is therefore unlikely to attract the capital it needs to be delivered: our extensive analysis and evaluation (Appendix A) of the economic viability of this policy concludes that the financial viability of the scheme has not been proven. The submissions, in support of the Heathlands proposal, fail to completely test the policy to a sufficient degree and does not fully reflect the significant risks and complexities of this ambitious proposal. This is echoed by the Stantec Garden Community Deliverability and Viability Assessment (August 2020) and no evidence has been provided to demonstrate that progress has been made since this assessment.

A balanced and practical approach to financial viability will quickly conclude that the proposal is unviable and the consequences of continuing with this policy is that the scheme will be loss-making. To accommodate any form of substantial housing development in this area, significant changes and cost reductions will be required. To be financially viable, we would conclude that the emerging scheme will have to be significantly inferior to that which is being proposed by the current policy and submissions. This significantly different outcome makes the proposed policy likely to fail to fully achieve any of its proposed objectives.

Our principle concerns on the viability assessment undertaken by Aspinall Verde are that:

- (a) a significantly low contingency provision has been made which understates the high level of risk. The HM Treasury Green Book requires explicit adjustments to be made to business cases to address project appraisers being overly optimistic about infrastructure costs. Optimism bias should be built in at the very earliest stages at values anywhere between 24% and 66% depending on the project type;
- (b) a gross under-estimation of the Bench Mark Land Value being offered to landowners has been made to make the viability look more favourable;
- (c) a significant number of infrastructure costs have been omitted or underestimated. This includes the absence of any investment in the A20 capacity upgrades, an overly conservative cost to build a new railway station, and no cost provided for the water treatment work upgrade/replacement. It also does not include infrastructure costs and scheme abnormalities set out in the Homes England Project Delivery Plan; and
- (d) a lack of appropriate application of typologies such as employment land which can quickly lower the viability.

It should also be noted that the LPR evidence base fails to include the promoter's viability appraisal undertaken by Carter Jonas. Instead, we have had to rely on the (heavily redacted) LPR viability assessment undertaken by Aspinall Verde.

The Town and Country Planning Association (TCPA)'s guide to financing and delivery of new garden communities states that *"it is essential that an effective viability model is used to prepare viability assessments. This requires the local authority and*

private partners to work on an 'open book' basis, including disclosure of the terms of any option agreements." To our knowledge and the local intelligence we have received, this has not happened and is a serious and fundamental risk to this policy's viability.

(2) The Heathlands garden settlement has overly optimistic delivery timescales which are not considered to be achievable within the Plan's phasing & delivery:

the policy expects to deliver 1,400 homes within the Plan Period to 2037. The promoter expects to submit outline planning permission in 2023, subject to successfully securing allocation in the Local Plan Review. Following this they expect planning, procurement and completion of infrastructure by 2028 and the first residential housing parcel to start on site in 2029. We would propose that this is an overly optimistic timeframe which doubts the credibility of the delivery of 1,400 homes in the latter stages of the Plan Period.

New settlements should be infrastructure-led and infrastructure-first. The promoter claims to be able to deliver a new waste water treatment works and the first 3FE primary school within the first phase of the plan up to 2032. We would expect to see other infrastructure delivered from the outset including the new railway station as well as the A20 capacity upgrades and the M20 J8 signalisation and widening works. We would expect that the overall development to be subject to a Grampian condition to allow infrastructure to be delivered first before considerable numbers of housing are occupied. At an absolute minimum, the water treatment works upgrade and railway station must be delivered before the first unit to protect the River Stour and to instil sustainable travel with new residents respectively.

The phasing and delivery also fails to consider:

- (a) the 2017 Local Plan Inspector's conclusion that it is unrealistic for the Lenham Broad Location to deliver 135 dwellings each year and instead decided that this village location could accommodate up to 100 dwellings per annum;
- (b) the cumulative impacts of other construction work and particularly minerals extraction work at Chapel Farm that would create increased construction traffic movements, air quality impact, noise and vibration from the operational quarry; and
- (c) the recent housing market trends for Lenham and surrounding villages.

(3) The Heathlands garden settlement has not been co-ordinated with the plans of other major infrastructure providers which question the ability to deliver unlocking infrastructure to support the development: the evidence base to the LPR provides no confidence that the promoters of Heathlands have co-ordinated their plans with major infrastructure providers to deliver the required infrastructure.

On transport, there is no evidence that the promoter nor the LPA have secured the necessary requirements for:

- (a) a new railway station. Collaboration with Network Rail and the train operating company has been limited to date and extremely late in the plan-making stages. As late as Spring 2021 it was evident from questions asked of the Council at a public committee meeting that they had not discussed a new station at Heathlands with Network Rail. A 'collaboration agreement' was rushed to demonstrate some progress on this to the LPA however the Network Rail letter dated 30 June 2021 encourages exercising caution in assuming new stations on the rail network can be delivered. In particular, it highlights the risk of "increasing industry subsidy without a consequential increase in revenue at least in the short term". The recent example of Beam Park station in East London illustrates the precarious nature of relying on new rail infrastructure to unlock new development sites. (See Appendix B).

Network Rail's investment plan does not include provision for a new station at Heathlands.

We do not believe sufficient evidence has been provided to demonstrate that a new railway station is deliverable within this Plan Period.

- (b) a new motorway junction. National Highways (formerly Highways England) made clear that they currently have no plans to build a new motorway junction in the vicinity of Lenham and that promoters must make a strategic case for new junctions which typically require approximately 10,000 homes and 10,000 jobs to justify a connection to the strategic motorway network. The Heathlands promoter still believes that a motorway junction is a long term aspiration despite it not being supported by National Highways nor featuring in any of the Government's Roads Investment Strategy.
- (c) highway improvements. Kent County Council (KCC) is the highways authority in Kent. The Statement of Common Ground (SoCG) in the LPR evidence base demonstrates that agreement hasn't been reached on the matter of highway improvements with the draft unsigned SoCG simply stating on transport and air quality matters: "[insert in a later draft]". Traffic modelling has not been undertaken for the full extent of the proposed 5,000 homes and instead just the traffic generated from 1,400 within the Plan period. This is a fundamental failure.

Furthermore, there has been no development of any highway improvement and capacity upgrade schemes that could support the Heathlands development and other cumulative developments around M20 J8 and the A20 corridor.

We do not believe sufficient evidence has been provided to demonstrate that the required highway improvements are deliverable within this Plan Period.

On water and other utilities, there is no evidence that the promoter nor the LPA have secured the necessary requirements for:

- (a) an upgraded wastewater treatment works (WWTW). The Heathlands garden settlement would result in a net gain in nutrients entering the Stour, without mitigation. This would affect the Stodmarsh SPA/SAC/Ramsar site. The promoter's own nutrient assessment concludes that a new WWTW is required to serve the proposed development along with significant constructed wetlands.

No evidence has been provided that Southern Water, the existing operator of the Lenham WWTW has accepted the case for a new treatment works nor has specific funding been identified to deliver this at the outset of the development. The only progress evidenced is 'ongoing and positive discussions' with a new appointments and variations (NAV) company. No costing has been provided for a new facility. The Investment Delivery Plan does reference capacity upgrades of the Lenham WWTW to support future development at the broad location and this upgrade is currently in Southern Water's 2020-2025 Business Plan as part of its programme of works. This upgrade would not support the Heathlands development.

- (b) Digital and telecommunications. The LPR is only making a commitment to provide full fibre to the premise (FTTP) connections to developments not in the countryside. No provision has been made for FTTP to the Heathlands development.

On education and health facilities, there is little evidence that the promoter nor the LPA has secured the necessary requirements:

- (a) Education provision. There appears to be inconsistency in the approach to providing new schools between the Infrastructure Delivery Plan (IDP) and the promoter's masterplan. The promoter makes no reference to a new secondary school however the IDP and the draft KCC SoCG includes a new secondary school. KCC's regulation 18b response insisted on 3 new primary schools with 7FE. The promoter and the IDP only include 2 6FE primary schools. There appears to be a clear lack of co-ordination between the promoter, the LPA and the education authority.
- (b) Healthcare provision. The Kent & Medway Clinical Commissioning Group confirmed one new GP surgery was needed within the development. This is not included within the policy wording for LPRSP4(A) nor is it included in the promoter's masterplan. There appears to be a clear lack of co-ordination between the promoter, the LPA and the health authority.

(4) Both Heathlands and Lidsing garden settlements are planned on borough borders and the key "Duty to Cooperate" matters are still to be resolved: effective co-operation and joint-working does not appear to be happening with Medway Council and Ashford Borough Council as would be expected for two significant garden communities on borough borders to overcome cross-boundary strategic matters.

No SoCG has been agreed with Medway Council which clearly demonstrates a breakdown in the joint-working. It is further compounded by the Leader of Medway Council publicly stating that Medway will be *"doing everything we can to oppose it. And that's our official position."*

For Ashford, the SoCG is non-committal and brief in respect to Heathlands with just a commitment *"to continue to work constructively together to address cross-boundary infrastructure issues."*

Not consistent with national policy

SOHL does not believe the Maidstone Local Plan Review Draft for Submission enables the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF) and other strategic policies. Our reasons for this are:

- (1) There are significant inconsistencies with the NPPF policies namely:
- **Paragraph 8** sets out the principle aim of achieving sustainable development through three overarching objectives. Heathlands garden settlement is being placed in an inherently unsustainable location, chosen through unjustified political bias that has resulted in selecting the least sustainable garden settlement option (as concluded by the Sustainability Appraisal).
 - **Paragraph 26** requires effective and ongoing joint working between strategic policy-making authorities and relevant bodies. This has not been achieved, as set out in the earlier section.
 - **Paragraph 68** sets out the need to have a clear understanding of the land available in the area and to have sufficient supply and mix of sites. Policy LPRSP4(A) is premature in that the land is currently not available with no option agreements in place at (regulation 19 consultation stage). Furthermore, the LPR arguably does not make sufficient enough provision for homes in years 6-10 of the plan instead gambling on over-reliance in years 11-15 of the plan.
 - **Paragraph 71** sets out the need for a realistic allowance for windfall sites as part of anticipated supply. Along with Lenham Parish Council, we suggest that serious underestimations of residential windfall development over the plan period have been made, without taking account of recent rates of windfall supply in the borough. A more realistic windfall supply would result in not having a need for Heathlands and policy LPRSP4(A) in the latter stages of the Plan.

- **Paragraph 73** notes that large numbers of homes can be achieved through larger scale development, provided that they are well located and designed, supported by necessary infrastructure and working with the support of their communities. We believe that Heathlands is not well-located, supporting infrastructure has not been secured nor is it planned to be led by infrastructure being delivered first. The community is fundamentally and vociferously opposed to the proposed development and consultation with the community has been non-existent (see Appendix F). Furthermore, 73(d) requires a realistic assessment of likely rates of delivery which has not been demonstrated by the promoter or the LPA for this policy.
- **Paragraph 79** requires sustainable development in rural areas, housing to be located where it will enhance or maintain the vitality of rural communities. We suggest that Heathlands would have a negative effect on the existing rural community and Lenham village centre.
- **Paragraph 105** requires significant development to be focused on locations which can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Heathlands relies upon relocating existing Lenham rail station or building a new rail station at Heathlands to make it sustainable. There is no evidence to suggest this will be possible and that the business case will be justifiable. Furthermore, the internalisation predictions have been significantly over-calculated given the lack of facilities and services expected to be accommodated within the development. Travel to secondary school, further education, large food and other retail sites and other leisure trips will all require travel off the development and to existing urban conurbations of Maidstone and Ashford predominantly. Heathlands has been sited at one of the furthest distances from existing centres.
- **Paragraph 111** states that development should only be prevented on highway grounds if the residual cumulative impacts on the road network would be severe. The evidence provided as part of the LPA does not provide any reassurance that the cumulative impact of Heathlands, pre-planned development plus other policies in the LPR would not result in severe road network impacts. The full impact (5,000 homes) of Heathlands has not even been modelled.
- **Paragraph 153** requires plans to take a proactive approach to mitigating and adapting to climate change. The Sustainability Appraisal acknowledges that Heathlands is the least sustainable of reasonable alternatives and including policy LPRSP4(A) intentionally leads to a significant negative effect with respect to climate change (see Appendix D).
- **Paragraph 174** states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. The NPPF also adds that plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework. The Heathlands site comprises areas of the “best and most

versatile" Grades 1,2 & 3a land. This is in contrast to other garden settlement sites with lower quality soils.

- **Paragraph 176 – 177** requires plans to give great weight to conserving and enhancing landscape including AONBs. It requires scale and extent of development within these to be limited and development within their setting to be sensitively located and designed to avoid or minimise adverse impacts. We evidence in Appendix C how this has not been achieved by Heathlands.
- **Paragraph 179** requires the protection and enhancement of biodiversity and geodiversity. Policy LPRSP4(A) commits to 20% net biodiversity gain however we do not believe evidence has been provided that demonstrates this is achievable. No baseline assessment has been undertaken and the desktop assessment undertaken by the promoter has significant omissions and weaknesses. See Appendix E.

Conclusion

Policy No LPRSP4(A): Heathlands Garden Settlement should be deleted from the Maidstone draft Local Plan Review as we have evidenced that it is unsustainable, undeliverable, unviable and therefore unsound.

SOHL concludes that the Heathlands Garden Settlement is not considered to be sustainable, deliverable or viable and therefore it is an unsound policy for inclusion in the next Maidstone Local Plan.

The evidence is overwhelming in that Maidstone Borough Council (MBC) has aggressively pursued a proposition at considerable public expense against the wishes of landowners, residents, and statutory consultees.

The Heathlands Garden Settlement economic and environmental cases are wholly unsound.

Policy LPRSP4(A) has been pre-determined and pursued with purely political bias since Heathlands' inception in 2018. The LPA has ignored its own commissioned external advice including the Sustainability Appraisal and the Garden Community assessments which have recommended pursuing other garden settlement propositions considered to be more sustainable, deliverable and viable.

SOHL strongly supports Lenham Parish Council's adopted policy in relation to the Local Plan Review and SOHL proposes this as the basis of our proposed modifications to make the Local Plan Review legally compliant and sound. The Parish Council's policy is as follows:

1. *Delete Heathlands from the Maidstone Borough Local Plan Review in its entirety.*
2. *Replace the 1400 homes and employment provision lost within the plan period to 2037 by a combination of one or more of the following development options listed in order of preference:*
 - a) *development of a high-quality high density mixed use urban quarter on the sustainable and accessible brownfield Invicta Park Barracks site. There is no evidence in the review that the capacity of the Invicta Park barracks site has been tested in accordance with the principles of sustainable development and mitigation of climate change as set out in the July 2021 update of the NPPF. Nor is this option tested as a reasonable alternative in the Sustainability Appraisal. As a consequence, the Parish Council believes that the current Regulation 19 draft plan and the supporting sustainability appraisal may not be legally compliant;*

- b) development of a mixed-use sustainable village expansion at Marden based on the existing railway station supporting and building on the existing village facilities and the existing employment infrastructure;*
 - c) development of residential windfall sites based on a continuation of historic windfall delivery rates actually achieved over the last 11 years in accordance with government policy as set out in paragraph 71 of the National planning policy framework (NPPF);*
 - d) high-quality mixed-use sustainable development within the Leeds Langley corridor in accordance with the principles outlined in the Stantec report – "Leeds Langley relief road responding to LPR1" prepared on behalf of Maidstone Borough council in April 2021 and released to the public in September 2021; and*
 - e) sustainable mixed-use development in accordance with the principles of local plan review policy LPRSP5(c) – Lenham broad location and delivered through Lenham neighbourhood plan first review post 2031. Any housing development delivered should be based on a continuation of the established maximum build rate for Lenham parish of 100 dwellings per annum. Any development should also be based on the principle that it will deliver all essential supporting infrastructure.*
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Appendix A
ECONOMIC VIABILITY

Submitted for Regulation 19

12 December 2021

- 1) This submission is made by Save Our Heathlands (SOHL) and is in response to the Maidstone Local Plan Review (Regulation 19) consultation which is scheduled for the period 29th October 2021 to 12th December 2021.
- 2) Our response, with regards to financial viability, is focused predominantly on Policy LPRSP4(A) – The Heathlands Garden Settlement. Although the interconnected nature of many proposed policies is such that this response covers topics including transport, spatial policy, employment, housing, recreation and amenities. Both locally (within the Lenham area) and also for topics across the wider Borough.
- 3) **Our conclusion** with regards to viability is that the Policy for the Heathlands Garden Settlement (LPRSP4(A)) is unsound. The financial viability of the scheme has not been proven. The submissions, in support of the Heathlands proposal, fail to completely test all the policies to a sufficient degree and do not fully reflect the risks and complexity's of this ambitious proposal. A balanced and practical approach to financial viability will quickly conclude that the proposal is unviable and the consequences of continuing with the policy of a Garden Settlement in the Lenham area, is that the scheme will be loss making and that it will fail to fully achieve any of its significant proposed objectives. To accommodate any form of substantial housing development in this area, significant changes and cost reductions will be required. To be financially viable, we would conclude that the emerging scheme will have to be significantly inferior to that which is being proposed by the current policy and submissions. This significantly different outcome makes the proposed policy (LPRSP4(A)) unsound.

INTRODUCTION

- 4) This is a report to analyse the economic viability of Maidstone Borough Councils' Garden Settlement proposal at Lenham Heath. This proposal is otherwise known as 'Heathlands'. We have based this report on the facts and information that has been presented for consultation and have also used other sources including separate reports, relevant professional opinion and local knowledge.
- 5) This report is compiled with regards to current viability approaches as defined by various organisations including the Royal Institution Of Chartered Surveyors and with regards to the National Planning Policy Framework. This appraisal endeavours to provide an objective analysis.
- 6) This report is solely for the purposes of Maidstone Borough Council's Reg19 Local Plan consultation. It is not a valuation and nothing should be taken, both directly or implied, in terms of specific individual values and figures that are quoted. This report is an economic appraisal that tests the restricted outcomes of Maidstone Borough Council's own conclusions. We have reviewed the estimates of the income and costs in order to determine if the proposal can produce a surplus, or at best break even. In undertaking this analysis we have adopted sensitivity testing and extended some of the work already published in the consultation to investigate how the proposed scheme performs in the likely event that the complexities of the plan, and the passage of time, result in unforeseen changes.
- 7) In arriving at our conclusion we summarise the main issues under broad headings as below:

TABLE 1- Summary Issues

ISSUE	CONCLUSION	PAGE
1) Transparency/ Time scale	<i>Lack of transparency and short timescale thwarts public participation and diminishes the value of a consultation.</i>	3
2) Contingency	<i>The viability study adopts low contingency provision which understates the high level of risk with the Heathlands Policy.</i>	6
3) Specific data and methodology.	<i>Specific costs and data appear conservative and inconsistent. The adoption of more realistic data for specific items and more accurate information produces a viability deficit.</i>	7
4) A20 Highway improvements.	<i>The wider impact of the Heathlands Garden settlement will require additional highway improvements and other costs. When properly reflected, these costs will reduce the viability of the proposal.</i>	10
5) Typologies and the impact of testing a wider data set.	<i>The proper consideration of all typologies for the Heathlands Garden Settlement should be highlighted. Regard should be given to the inclusion of a single 'Garden Settlement Typology' to reflect the complete proposal and all the associated and necessary policies. Inclusion at this full level, lowers the viability of the proposal.</i>	13

ISSUE 1 - TRANSPARENCY AND TIME SCALE

- 8) The Viability Report, submitted for the regulation 19 consultation by Messrs Aspinall Verdi (Sept 2021) is described as a 'Redacted Version'. Significant sections of the report are not displayed. We are of the opinion that the redaction is a completely disingenuous approach, which shows little regard to the principles and spirit of a public consultation.
- 9) By way of example, Table 6.8 on pages 76 to 85 of the Aspinall Verdi Report contains key data inputs that contribute significantly to the viability appraisal. Items of data within this table are clearly redacted. This is described as being justified on the basis of 'commercial confidentiality'. Maidstone Borough Council originally commenced the Heathlands proposal as the master developer and used the veil of 'commercial confidentiality' to protect its intentions. This protection, at best, can only be short lived especially given that the Council has now relinquished a significant interest in the scheme and the grounds upon which the Local Plan and the Heathlands proposal are being promoted, have become more definitive.
- 10) Further example of redactions can be observed with regards to Infrastructure Costs. These are accumulated within the viability appraisal and not itemised in detail. These costs are stated at page 79 as amounting to £129m and includes professional fees at 8% and a contingency allowance

described as 'where appropriate'. This accumulation of a significant cost appears to be extraordinarily vague and unacceptable and the use of the phrase 'where appropriate' appears somewhat nebulous and not in the spirit of an open consultation.

- 11) Further, Appendix 7 is completely redacted. This appears to be a vital part of the viability appraisal as it sets out the 'Strategic site proformas and infrastructure costs'. It is important for the public to understand how such a radical proposal is justified and the input of stakeholders.
- 12) It does, however, appear that Aspinall Verdi are acting upon instructions from the Planning Authority and thus it would be unfair to cast further comment when a number of key decisions appear to have been controlled by another party. In any event, the management decisions and background are irrelevant. No matter the background, at this stage, the financial viability of the scheme cannot be decided if the source of this information is not available for public scrutiny. Failure to act with complete transparency increases the risk that a report, and consultation, becomes 'Tendentious' (written to an agenda). Public opinion is unlikely to be convinced by the authenticity of the appraisal especially if one of the parties involved has been styled as a 'Master Developer' and/or retains an interest, albeit at some point in the future .
- 13) Heathlands is a complex strategic site with many variables which are, by the authorities own admission, still very much unknown. By way of example, we wish to draw comparison with how other authorities have acted in recent consultations, and attach the Viability Appraisal that was published for the North Essex Garden Community Consultation (Appendix F). In this instance all the data was published and this allowed for full financial viability to be scrutinised by the public in a timely, balanced and fair manner.
- 14) The redaction of a viability appraisal was tested in the recent case of R (Holborn Studios) v London Borough of Hackney (No 2)[2020] EWHC 1509 (Admin) where in the judgement handed down on the 11th June, Mr Justice Dove established that the public had a right of access to viability assessments. In that case it was noted that the National Planning Policy Framework sets out that viability assessments should be 'publicly available' (para 61).
- 15) We also reference Cranston J in the case of R(Joicey) v Northumberland County Council (2014) EWHC 3657 - *'the purpose of having a legal obligation to confer a right to know in relation to material underpinning a democratic decision-taking process, is to enable members of the public to make well-informed observations on the substance of the decision'* (para 71).
- 16) *There is a confirmed public interest in the Viability Appraisal for Heathlands as it has been submitted into a public consultation and is being relied upon to justify a significant strategic site. There is considerable doubt with regards to the certainty of cost and revenue assumptions and for that reason alone, the viability appraisal should be released without redaction. We understand that this same circumstance occurred with regards to a development scheme known as 'Otterpool Park' where a consultation was also being undertaken and the Planning Inspectorate was scheduling hearings. After public pressure, Folkestone & Hythe District Council did release the viability appraisal and the same circumstances should apply in the 'Heathlands' instance.*
- 17) The significance of the redaction of data has further more serious consequences when regard is had to the methodology for testing the financial viability of the scheme. This is especially significant when consideration is given to contingencies and the vulnerability of the appraisal to changes in costs and other unforeseen consequences. If the costs are as yet to be quantified, it is ill-judged to accept contingencies that are suggestive of a more certain and risk free project. We

reference this later at section 2 (page 6).

- 18) Prior to the Planning Inspectors hearing we petition that the viability report and all supporting evidence be released into the public domain in a timely fashion, so that proper debate and opinion can be gathered and due process can be seen to be fully compliant.
- 19) At this juncture we would also wish to highlight the narrow timescale that has been allocated for the Regulation 19 consultation. We appreciate that there are many factors to consider in relation to planning consultations but in the instance of an ambitious Local Plan, which seeks to adopt significantly different policies to those which it supersedes, a longer period should have been forthcoming. The sheer volume of reports and associated data has been substantial and in places inconsistent. We would estimate that the Borough have had approaching three years to prepare its plan and interested parties have been consulted and encouraged at various stages along this pathway. It is disappointing that the public have had limited time to consider this information and make representation.
- 20) From the perspective of a viability appraisal, the volume of data, inconsistencies and short consultation period is a significant restriction to proper consultation. This short window gives little opportunity to make enquiry with regards to the validity of data and processes. It will restrict the ability of groups, such as SOHL, to fully review the proposals and unfortunately gives the impression that public opinion is of less value than those that might stand to gain from the schemes financially or those stakeholders who need to be compliant to the proposal from the outset.
- 21) In our opinion the consultation will be adversely impacted as a consequence and we would have expected a longer period. We reference this further in later sections.

ISSUE 2 – CONTINGENCY

- 22) The financial viability report as published by Aspinall Verdi adopts a conservative level of contingency and we would argue that the adoption of more realistic figures renders the site unviable. The restrictions, as already referenced with regards transparency, have resulted in it being difficult to fully understand how the appraisal manages the issue of contingency. The challenge is understood, but we take the view that the current levels adopted do not reflect the uncertainties that are immediately apparent with regards to policies and how they impact upon the management of the project, assessment of risk, gross development value, land values and development costs. Reference is made at various points in the appraisal to 'contingency' but we are not given the actual figures. The final contingency figure in the appraisal is however stated at '5%', and we take the view that this is significantly below the level that should be adopted for a scheme of the duration planned and facing many significant challenges and unknowns. From an investment and development perspective, the stated rate of 5% would suggest that the scheme had already achieved many certainties, and that it was likely to remain within a very tight financial position. This appears to have very little regards to the reality and indeed what we understand to be more appropriate levels. In support of this contention we draw attention to the approach adopted in the North Essex consultation where a final contingency of 10% was adopted and this was further tested at 20% and 40%. The table adopting 10% is replicated from the original North Essex appraisal below in Table 2 and all the tests are transposed in Appendix F.

23) Table 2 – North Essex Summary Contingencies

CONTINGENCIES

Contingencies by Type	Amount	Total
Scheme Wide Enabling Works	10.0%	£23.0 m
Scheme Wide Community Infrastructure	10.0%	£16.9 m
Scheme Wide Other Itemised Infrastructure	10.0%	£18.4 m
Other Items		
On Plot: Constructions Costs	3.0%	(on plot calc)

- 24) Adopting the Aspinall Verdi model, our analysis of the viability at 10% shows that there is no surplus and that the scheme immediately falls into deficit by -£8,240,000 approx' (Appendix A).
- 25) Appendix B displays further summary calculations. At 20%, the scheme is in deficit to the sum of -£96,430,000. And with contingencies at 40%, the deficit is -£272,800,000 (approx').
- 26) We calculate that on the basis of the Aspinall Verdi report, contingencies would only have to rise to circa 9.06% for the scheme to be in deficit. Our conclusion is that the Aspinall Verdi appraisal has very little scope to accommodate contingencies and we consider that this is an oversight which should be tested further, and that in its present form the appraisal is unsound.
- 27) The sensitivity testing submitted for Heathlands in the originating Aspinall Verdi report doesn't appear to look at testing this specific aspect of the calculation whilst using a wider range of variables, although it is accepted that certain other variables including build rate, market unit sales values and s106 variables are tested at various percentages. It could be argued that the contingency testing is reflected in this approach, although that doesn't appear to be highlighted to a significant degree in the summary conclusions. The tabular 'colour coded' tables on page 386 are given little comment. However, the risk with this approach is that sensitivity is not tested across the whole appraisal and we consider that to be a significant oversight.

ISSUE 3 – SPECIFIC DATA AND METHODOLOGY

- 28) After close examination of the Aspinall Verdi appraisal, we make the following observations with regards to specific aspects.
- 29) Corrections – we perceive that there are a number of typographical and spreadsheet errors. We have corrected these matters in our calculations noting that in these limited places, the outcome is an increase in profitability/surplus. However, the impact is very minor.
- 30) Specific Costs – we reference our comments with regards to transparency but note that the Aspinall Verdi appraisal does make reference to some specific costs. The extent of infrastructure costs appears to be without explanation. We note the reference to costs which includes social care, primary/secondary schools, GP Surgery, ambulance station and train station. These have been submitted without any background information as to the reliability of the costings. We would particularly raise concerns with regards to the figure of £12,240,000 which has been input as the cost of a train station. Our expert comments that this is a very low figure and that in many instances such facilities can only be provided at a much higher cost. We are aware of schemes where stations are costing circa £40,000,000. Accepting that the cost will be dependent on the extent of the station, we would estimate that a more reasonable cost of circa £30,000,000 be adopted.
- 31) We reference the new Reading Green station development which is being undertaken at a cost of £20m although we would anticipate that the challenges at Lenham and Heathlands with regards the specific circumstances will be greater. This new development at Reading Green comprises a new two platform station with a ticket office/ retail facility, Customer Information Screens (CIS), waiting shelters, CCTV, seating, a footbridge with lifts and stairs, car park with taxi drop-off, bus route and cycle parking. Due for completion in 2022.
- 32) By updating the Development Costs with this higher figure, the surplus drops to £18,153,000. With the contingency set at the Aspinall Verdi figure of 5%, the contingency only has to increase to circa 7.05% before the project turns into a deficit.
- 33) Floor Areas calculated between NIA and GIA. By way of observation we would speculate as to the correctness of the approach adopted for the use of NIA and GIA floor areas. We note that the Aspinall Verdi appraisal adopts BCIS costs but would speculate that some of the floor areas should be further adjusted. It appears that the floor areas for the houses adopt NIA areas when incorporated into calculating building costs. If this is indeed the case, then the appraisal may be in error as BCIS costs are invariably applied to Gross Internal areas. Whilst we accept that this is a seemingly small issue, the impact of applying an uplift to the NIA floor areas does filter across and impact upon the surplus. The significance of this is perhaps more concerning if this needs to be corrected, as once again it reflects the sensitivity of the calculation and the appraisal of contingencies as stated in earlier sections. We calculate that by adopting a 2% uplift on NIA floor areas, the increase in GIA results in a reduced surplus of -£7,763,000.
- 34) Bench Mark Land Value. The Aspinall Verdi Bench Mark Land Values are noted. It is unfortunate that the background to negotiations is redacted. Given that the promoters have been in dialogue with land owners for circa 3 years, it is surprising that further detail cannot be given and that we are unaware as to what level of value is being negotiated by way of option agreements. We appreciate that viability testing does not necessarily have to reflect the actual outcomes but clearly as a cost, land values do filter across the calculations and will affect viability. RICS guidance does recommend that outcomes are 'sense checked' against market values and we would have expected

that at this stage the actual outcomes of negotiations with landowners would have been revealed. By way of example, the adoption of £135,000 per acre appears to impact the viability of the scheme by reducing the surplus by -£7,736,000 (approx'). This sensitivity further reflects the existence of slim margins against development value and the importance of contingencies.

- 35) Finance Costs. We appreciate that the calculation of finance costs is no doubt somewhat complicated and may arise from a cashflow which does not appear to have been published. The level of finance costs does appear to be somewhat lower than anticipated and we would speculate as to what is covered and how it has been calculated. We understand that an explanation is given at page 81 of the Aspinall Verdi report but it gives little detail as to methodology.
- 36) Housing Numbers. We have referenced inconsistencies in data across reports submitted for the Regulation 19 Consultation and we highlight again, by way of further example. We note inconsistencies in the number of houses being proposed for Heathlands. In many instances the consultation references a total of 5,000 houses. But we note the comment at page 37 of the Aspinall Verdi report which references that with regards to housing numbers, the proposal is: *'Heathlands Garden community – promoted by Homes England - 4,708 (4,408 plus 300 within the District and Local Centres)'*;
- 37) This total is again further quoted at page 72 *'Heathlands Garden community – promoted by Homes England at c 4,400 – 4,700 units, but we have been instructed by the Council to assess the site at 5,000 units because this is what the Council envisages to come forward on the entire site'*.
- 38) Analysing the Aspinall Verdi proposal at the inflated figure of 5,000 houses appears inconsistent with the proposals and we would petition that viability needs to be based upon actual numbers.
- 39) The significance of this inconsistency is perhaps worthy of further highlighting on the basis that by adopting 4,408 houses, we estimate that the scheme is not viable and would be in deficit by (-£14,236,000). At 4,700 houses, the surplus is reduced to £10,470,000. Again this sensitivity must be reflected in the analysis of contingency, which we believe is currently understated. It is to be noted that by increasing the number of houses, the fixed infrastructure costs are correspondingly spread at a lower unit value and as a consequence profitability increases.
- 40) We have reflected these specific cost and methodology issues at Appendix C adopting £30,000,000 for the station, house floor areas uplifted by 2%, Bench Mark Land Value at £135,000/acre, and housing numbers set at 4,700 units. In total, the outcome of all these observations when updated into the appraisal results in a deficit of -£23,891,000 (approx). If the contingency calculation is increased to 10%, the deficit increases to -£67,000,000. If the contingency is tested at 20% and 40%, the deficit increases further.
- 41) Housing density and Garden Community design. The redaction of the Aspinall Verdi report restricts a full review but we would be cautious to accept that the housing numbers are achievable within fixed variables that include development costs, revenue, site area, landscaping, mitigation and land uses. We particularly note the publicity with regards to adopting good design and garden community principles. Whilst we recognise that the density of land uses has been stated in places, we remain concerned that the viability report fails to demonstrate that the policies are fully reflected in the revenue and cost streams. The viability appraisal does not clearly highlight how the 'good intentions' of the promoter are impacting fully on the outcomes. We would have expected that the appraisal highlights all the design and planning issues that arise with a Garden Community and made comparison with other types of schemes. The risk in not undertaking this exercise would be that the financial viability is not in line with the policies and this would give an incorrect

impression.

- 42) Compensation and Holding Costs. We note the promoters objective of minimising the impact of the scheme on those dwellings and businesses that are within the development area. However we cannot see how road schemes and highway improvements can be constructed in this area without the possibility of compensation payments. Indeed we understand that many residents are being advised with regards to making applications at the appropriate time. We would have expected to see a budgetary addition for these costs. We feel that such an addition should be added by way of a specific figure or an increase in the contingency. This addition appears to be 'fair & reasonable' as the Borough Council has retained interests in the scheme and will no doubt have an actual and moral duty to assist residents who suffer as a direct consequence of their own actions. We understand that there is legislation to cover these likely events and the council will be obliged to take action although we would expect that discretion will be at the forefront when approached by aggrieved parties. In this regard we would highlight the boroughs stated principles of supporting community engagement and assume that the borough will not wish to alienate people in this regard. As an aside but by way of further evidence, we would also speculate that the possibility of compensation may also have to consider payments for a farm tenancy and this will need to be added specifically or again reflected in the contingency.
- 43) Given the complexities of the scheme and the risk of delays, we would also expect to see additions for holding costs. We assume that Maidstone Borough Council will want to support residents who are impacted by the scheme and that they will require that the local area does not suffer unduly from being a 'development site'. To maintain some degree of order and minimise visual impact, the viability appraisal needs to make a specific addition for this inevitable cost or at least reflect this matter via the contingency. We assume that land will not be left to lie 'untended' as clearly that may also be counter productive to the Council's stated objectives of building community support.
- 44) These outcomes only serve to underline our view that the Heathlands proposal is unviable when sensitivity is tested fully and data follows consistent approaches.

ISSUE 4 – A20 HIGHWAY IMPACT, DIVERGENCE AND WIDER IMPACTS

45) We reference the Homes England report titled 'Heathlands Development Project Delivery Plan' which has been submitted for the Regulation 19 consultation. We reproduce the summary of infrastructure costs and scheme 'abnormals' below. We assume that Homes England are acknowledging that these are significant variables with a risk that these may affect viability once further certainty is achieved with regards to costs. However, many of these costs do not appear in the Aspinall Verdi appraisal in such detail. These observations are of course restricted by the frustrating issue of transparency but these 'abnormals' do not appear to be referenced in the same manner when the Aspinall Verdi and Homes England reports are compared. This inconsistency casts doubt on overall viability.

46) 'Abnormals' page 8. Heathlands Development Project Delivery Plan (Homes England)

	SUMMARY OF INFRASTRUCTURE COSTS AND SCHEME ABNORMALS
Landscape & Masterplanning	Abnormal costs for delivering strategic landscaping and open space (the Country Park and sports pitches)
Access & Movement	Spine Road 2 x A20 roundabout junctions Upgrades to A20 J8 connections M20 J8 Signalisation and local widening 2 x new bridges over Maidstone railway line 2 x footbridges over M20 and HS1 for Country Park connection
Building & Structures	Building demolition and party wall boundary associated costs
Ground conditions & Foundations	Areas of uncertainty: <ul style="list-style-type: none"> • Fill associated with the former infilled quarry at Mill Pond, Lenham Quarry, • the former sewage treatment plant in the centre of the site • the extent of areas underlain by Alluvium or Head Deposits. Abnormal costs comprise: <ul style="list-style-type: none"> • Contaminated Land • Geotechnical • UXO
Services & Utilities	Electricity Gas Potable Water
Drainage	Surface water drainage Foul water drainage Hydraulic Modelling
Ecology	Habitats of ecological value are present on site, including ancient woodland, priority habitat, hedgerows, mature trees, arable fields, improved grassland trees and. These will be retained where possible within the masterplan with a Biodiversity Net Gain assessment being required for the site. Phase 2 surveys and mitigation requirements are required for any protected and notable species
Historic Environment	Previous archaeological investigations have identified potential for Prehistoric, Iron Age & Roman remains on the site. A staged programme of further investigation and then potential mitigation will be required: <ul style="list-style-type: none"> • Geophysical Survey • Trial Trench Evaluation • Excavation • General Consultancy
Air Quality, Noise & Vibration	Air Quality Emissions mitigation exposure cost Boundary Screening Enhanced glazing and ventilator specifications
Nitrate Neutrality	The WTW discharges into a small tributary that flows in a southerly direction to the Great Stour, flowing through Stodmarsh, and from there, discharging into the sea to the south of Ramsgate where the Stodmarsh SPA/SAC is being impacted by nutrient emissions. Surface water runoff from the proposed development will contribute nutrient emissions to these designated sites. Development at the site must be nutrient neutral, and where this is not the case, mitigation must be provided on-site or through other means (such as Biodiversity Net Gain onsite, off-site mitigation e.g. WTW upgrades or financial contribution to third party strategic schemes)

47) The divergence in the approaches appears most profound with regards to the extent that each

acknowledges the wider impacts of the project. The Aspinall Verdi appraisal appears to mostly restrict its analysis to the impact of the scheme within its boundaries, where as Homes England acknowledges a far wider potential sphere of influence. We are of the opinion that this is another example of where the promoter, stakeholders and borough planners have been unable to agree the facts and then disseminate that information so that all parties are working on the same basis. This appears to be a fundamental problem which is prevalent in many key parts of the consultation.

48) To highlight the differences by way of 'abnormals' referenced by Homes England but not apparently part of the Aspinall Verdi Appraisal, the following are highlighted:

a) Upgrades to A20 J8 connections.

b) M20 J8 signalisation and local widening.

2x new bridges over Maidstone Railway Line

2x footbridges over M20 and HSI for Country Park connections.

c) Ground conditions & Foundations described as 'areas of uncertainty' which includes Fill to former infilled quarry at Mill Pond Lenham Quarry, The former sewage treatment plant in the centre of the site, extent of areas underlain by Alluvium or Head Deposits, Abormal costs including Contaminated Land, geotechnical and UXO.

d) Ecology – An acknowledgement is given to the extent of habitats and ecological sites but this appears to be limited to a brief statement that these will be 'retained where possible' and subject to further surveys and mitigation as required.

e) Archaeology – The significance of Archaeology in the area is acknowledge but the extent is unknown and mitigation costs are yet to be fully established.

f) Historic Environment – a staged programme of further investigation and then potential mitigation will be required.

g) Nitrate Neutrality – Homes England identify these significant issue and cost. But as at the date of writing, the full extent is not known.

h) Historic Environment – a staged programme of further investigation and then potential mitigation will be required.

49) We particularly consider that costs associated with points a) & b) are under estimated in the viability appraisal and that the 'abnormals' should include the inevitable costs of widening further areas along the A20.

50) We reference a technical note commissioned for SOHL and dated October 2020 which specifically appraised the plans in relation to the A20. At that time the scheme was working to a target of 4,000 houses. The submission for the Regulation 19 consultation has various totals, with the most being 5,000 houses. The conclusions are significant but clearly with higher housing numbers, the impact will be even greater than was being reported by Messrs Charles & Associates in October 2020.

51) Section 3 of the technical note made the following estimates for 4,000 dwellings (Table 3.1 below).

Table 3.1: Proposed Development (4000 dwellings) - Indicative Peak Hour Vehicle Trip Generation

	AM Peak	PM Peak
Two-way Trip Rate (per dwelling)	0.6	0.55
Vehicle Trip Generation	2,400	2,200

- 52) At paragraph 3.2.8 existing traffic movements from 2018 are combined and it is estimated that the development proposals would give rise to 3,400-3,600 vehicles on the A20 during the highway peak hours. The technical note then goes on to state that the indicative capacity of the A20 Road corridor is considered to range between 1,200-1,500 vehicles in each direction and that would represent 2,400-3,000 movements two-way.
- 53) This shows that the A20 will be unable to manage the increased traffic flows and that longterm and sustained congestion will be an inevitable consequence. It should be noted that these estimates are for a Garden Settlement proposal of 4,000 houses and that they also do not account for extra vehicle movements from approved schemes that have recently been constructed and those that are likely to arise from further development as proposed over the next Local Plan. We would also speculate that further regard will need to be considered with regards to traffic that will inevitably arise from the employment land uses which are not included in these figures.
- 54) This research clearly indicates that the A20 will be unable to support the increased traffic volumes. We see no evidence that this has featured in the Viability Appraisal as submitted for the Regulation 19 consultation and as such we can only conclude that the viability is unsound. Indeed, the inclusion of the A20 as an 'abnormal' within the Homes England submission appears to only support our opinion. We would expect to see a specific figure for wider A20 highway improvements within the Aspinall Verdi appraisal or failing that a significant increase in the contingency element.

ISSUE 5 - TYPOLOGIES AND TESTING

- 55) We note that the financial viability testing for Heathlands gives only a cursory analysis of employment land and yet many of the policies which are key to this proposal rely significantly upon inward investment and the creation of jobs.
- 56) We would not automatically agree with the apparent adopted assumption that employment land is 'cost neutral'. It is simply not acceptable to make such a sweeping assumption. In fact an analysis of the Maidstone Viability Appraisal appears to show that in certain respects, elements of employment land are likely to be in deficit when financial viability is analysed. As a 'Typology' it is disappointing to note that the Strategic sites have not been tested in their own right. We would have expected that the 'Heathlands' typology be tested to include employment land and that a much wider and more complex appraisal be submitted.
- 57) In this regards, we have drawn upon the comparable evidence contained within the Aspinall Verdi appraisal and adopting greenfield site evidence (where available), we have endeavoured to extend the viability appraisal in order to show a wider analysis and obtain a broader impression of viability.
- 58) The redaction of key data, as previously referenced, is a restriction but we hope that this will be of assistance to the consultation. This additional approach, as a methodology, appears to be more comparable to other recent planning consultations and inspections (e.g North Essex Garden Communities). The current methodology as supplied to the Maidstone Borough Consultation (reg.19) risks being too simplistic and fails to reflect all of the complexities that such an ambitious Garden Settlement will inevitably face. Indeed, our analysis is no doubt open to criticism on a number of fronts but we feel that this is likely to emanate from the redaction of data, methodology and inconsistencies in the evidence which has been submitted in support of the proposal. In fact, it is entirely probable that a full analysis will be even more complex as further typologies will probably need to be added. We note that in other submissions, reference is made to hospitality facilities where the report indicates the addition of employment land for a public house(s) and also there is an indication of a hotel requirement. None of these facilities are referenced in the typology studies and yet they are added into policy submissions for Heathlands. We are concerned that the provision of community and leisure facilities is also not referenced in sufficient detail and we would prefer to see a study with regards to how the financial viability appraisal reflects these vital elements. This should include costs associated with establishing and managing a community structure which is a key policy within the Heathlands proposal.
- 59) Appendix D gives our estimated Garden Settlement Typology Appraisal. This study initially keeps the variables and data at similar levels to the Aspinall Verdi figures (excepting for our perceived corrections). The summary appears to show that the addition of employment land reduces the surplus to £6,457,000 and we take the view that this is not sufficient to cover contingencies.
- 60) The permutations with regards to accounting for inevitable contingencies becomes more complex, but that is perhaps more representative of reality. But in this estimated example, the contingency for the residential contribution will only have to rise by less than 1% for the scheme balance to reflect a deficit. A key indicator that contingencies need to reflect the reality of risk.
- 61) Appendix E displays the final balance summaries if residential contingencies are tested at 10% and 40%. The outcomes show substantial deficits and the scheme appears as unviable. Further

permutations have similar outcomes. It may be observed that this is no doubt simplistic in its approach but in the alternate it can be argued that, failing to address these matters is also simplistic.

62) Our basic assumptions are as stated below. We have endeavoured to extract the details with regards employment land floor and site areas which is further broken down into individual use classes, but once again we find inconsistencies across various submitted reports.

63) Assumptions for employment land:

Uses	Floor Area m2
Retail	2,500
Logistics	10,000
Industrials	40,000
Office	10,750

Land area of 49.42 acres

Floor areas assumed to be NIA

64) The outcomes as displayed are based upon the Aspinall Verdi assumptions. We have not reflected the issues that this paper highlights with regards to ‘abnormals’ and contingency issues. But we will argue that by re-applying the stated issues as referenced above (1-4), the viability will be further challenged and in our opinion this only serves to reiterate that the Heathlands proposal is unviable and unsound.

APPENDIX A -Heathlands Viability at 10% contingency

Assumptions Residential Uses										
Total number of units in the scheme		5000 Units								
AH Policy requirement (%Target)		40.00%				<u>Total Houses</u>				
AH Tenure split %		Aff. Rent/soc. Rent		70.00%		MV		3000		
		Affordable home ownership		5.00%		AH		2000		
		First Homes		25.00%						
Open Market Sale (OMS)		60.00%								
		100.00%								
CIL Rate (£ psm)										
Unit mix -		Mkt Units mix % MV # units		AH mix% AH # units		Overall mix%		Total # units Occupancy rates		
1 bed House	0%	0	0.00%	0	0.00%	0	0	0	0	
2 bed House	25%	750	36.50%	730	29.60%	1480	2960	1480	2960	
3 bed House	45%	1350	25.00%	500	37.00%	1850	3700	1850	3700	
4 bed House	25%	750	10.00%	200	19.00%	950	1900	950	1900	
5 bed House	0%	0	0.00%	0	0.00%	0	0	0	0	
1 bed flat	5%	150	28.50%	570	14.40%	720	1440	720	1440	
2 bed flat	0%	0	0.00%	0	0.00%	0	0	0	0	
Total number of units	100%	3000	100.00%	2000	100.00%	5000	12473	5000	12473	
OMS Unit Floor areas		Net area per unit		Net to Gross %		Gross (GIA) per unit				
	(sqm)	(spft)			(sqm)	(sqft)				
1 bed House	0	0	0.00%		0.0	0				
2 bed House	80	861	0.00%		80.0	861				
3 bed House	100	1076	0.00%		100.0	1076				
4 bed House	130	1399	0.00%		130.0	1399				
5 bed House	0	0	0.00%		0.0	0				
1 bed flat	60	646	15.00%		69.0	743				
2 bed flat	0	0	15.00%		0.0	0				
AH Unit Floor areas										
	(sqm)	(spft)			(sqm)	(sqft)				
1 bed House	0	0			0	0				
2 bed House	72	775			72	775				
3 bed House	84	904			84	904				
4 bed House	97	1044			97	1044				
5 bed House	0	0			0	0				
1 bed flat	50	538	85.00%		58.8	633				
2 bed flat	61	657	85.00%		0	0				
Total Gross Floor areas		Mkt Units GIA		AH Units GIA		Total GIA				
	(sqm)	(spft)	(sqm)	(sqft)	(sqm)	(sqft)	(sqm)	(sqft)		
1 bed House	0	0	0	0	0	0	0	0		
2 bed House	60,000	645,856	52,560	565,770	112,560	1,211,625	112,560	1,211,625		
3 bed House	135,000	1,453,175	42,000	452,099	177,000	1,905,274	177,000	1,905,274		
4 bed House	97,500	1,049,516	19,400	208,827	116,900	1,258,342	116,900	1,258,342		
5 bed House	0	0	0	0	0	0	0	0		
1 bed flat	10,350	111,410	33,516	360,775	43,866	472,185	43,866	472,185		
2 bed flat	0	0	0	0	0	0	0	0		
	302,850	3,259,957	147,476	1,587,470	450,326	4,847,427	450,326	4,847,427		
Open Market Sale values (£)		£ OMS (per unit)	£ psm	£ psf	total MV £ (no AH)					
1 bed House		£0	£0.00	£0						
2 bed House		£320,000	£4,000	£372	£473,600,000					
3 bed House		£400,000	£4,000	£372	£740,000,000					
4 bed House		£500,000	£3,846	£357	£475,000,000					
5 bed House				0	£0					
1 bed flat		£230,000	£3,833	£356	£165,600,000					
2 bed flat		£0			£0					
					£1,854,200,000					
Affordable Housing values (£) -		Aff. Rent £	£psm	% of MV	SharedOwn'p £	£ psm	% of MV	First Homes £	£ psm	% of MV
1 bed House		£0		50%	£0		70%	£0		70%
2 bed House		£160,000	£2,222	50%	£224,000	£3,111	70%	£224,000	£3,111	70%
3 bed House		£200,000	£2,381	50%	£280,000	£3,333	70%	£280,000	£3,333	70%
4 bed House		£250,000	£2,577	50%	£350,000	£3,608	70%	£350,000	£3,608	70%
5 bed House		£0		50%	£0		70%	£0		70%
1 bed flat		£115,000	£2,300	50%	£161,000	£3,220	70%	£161,000	£3,220	70%
2 bed flat		£0	£0	50%	£0	£0	70%	£0	£0	70%

GROSS DEVELOPMENT VALUE

OMS GDV -		(part houses due to % mix)			
1 bed House	0	@	0		0
2 bed House	750	@	£320,000		£240,000,000
3 bed House	1350	@	£400,000		£540,000,000
4 bed House	750	@	£500,000		£375,000,000
5 bed House	0	@	£0		£0
1 bed flat	150	@	£230,000		£34,500,000
2 bed flat	0	@	£0		£0
	3000				£1,189,500,000
Aff.rent/soc.rent GDV -					
1 bed House	0	@	£0		£0
2 bed House	511	@	£160,000		£81,760,000
3 bed House	350	@	£200,000		£70,000,000
4 bed House	140	@	£250,000		£35,000,000
5 bed House	0	@	£0		£0
1 bed flat	399	@	£115,000		£45,885,000
2 bed flat	0	@	£0		£0
	1400				£232,645,000
Affordable home Ownership GDV -					
1 bed House	0	@	£0		£0
2 bed House	36.5	@	£224,000		£8,176,000
3 bed House	25	@	£280,000		£7,000,000
4 bed House	10	@	£350,000		£3,500,000
5 bed House	0	@	£0		£0
1 bed flat	28.5	@	£161,000		£4,588,500
2 bed flat	0	@	£0		£0
	100				£23,264,500
First Homes GDV -					
1 bed House	0	@	£0		£0
2 bed House	182.5	@	£224,000		£40,880,000
3 bed House	125	@	£280,000		£35,000,000
4 bed House	50	@	£350,000		£17,500,000
5 bed House	0	@	£0		£0
1 bed flat	142.5	@	£161,000		£22,942,500
2 bed flat	0	@	£0		£0
	500				£116,322,500
Sub – total GDV Residential	5000				£1,561,732,000
AH on-site cost analysis				£MV less GDV	£292,468,000
Grant	5000	@	£0		
Total GDV					£1,561,732,000

Gross benchmark Land Value (BLV)

Residential Density		40 net dph	14 gross dph
Net site area (Resi)		125 ha	308.8 acres
Gross Site Area (Resi)		357.14 ha	882.5 acres
<i>Density analysis:</i>		<i>3605 sqm/ha</i>	<i>15702 sqft/ac</i>
Benchmark Land Value (BLV)	£22,062 £ per plot	£882,483 £ per ha	357,136 £ net per acre
Gross to net land area	35%		
Benchmark Land Value (BLV)(gross)	£22,062 £ per plot	£308,869 £ per ha	124997.6 £ per acre gross

Phased land payment		SDLT HMR Rates	Aquisition Agent 1.00%	Legal Fees 0.50%	Gross BLV
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Year 6	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 7	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 8	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 9					
Year 10	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 11					
Year 12	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 13					
Year 14	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 15					
Year 16	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 17					
Year 18	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 19					
Year 20	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 21					
Year 22	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 23					
Year 24	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 25					
Year 26	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 27					
Year 28	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 29					
Year 30	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 31					
Year 32					
Year 33					
Total	£110,310,382				-£117,344,061
	<i>Per plot</i>	£22,062			

Development Costs				
	Planning Application Professional Fees, Surveys and reports (1,760,000)			-£1,760,000
	Statutory Planning Fees (Residential)			-£588,299
CIL				
	CIL Analysis	303,068 m2		
	Site Specific S106 Contributions	0.00% of GDV		
	Year 1			
	Year 2			
	Year 3			
	Year 4			
	Year 5			
	Year 6			
	Year 7			
	Year 8	GP surgery, railway	£14,300,000 (strategic site cost as agreed)!	-£14,300,000
	Year 9			
	Year 10			
	Year 11			
	Year 12			
	Year 13			
	Year 14			
	Year 15	Creation of ambulance	£17,507,950 (strategic site cost as agreed)!	-£17,507,950
	Year 16			
	Year 17			
	Year 18			
	Year 19			
	Year 20	KCC Social care	£284,250 (strategic site cost as agreed)!	-£284,250
	Year 21			
	Year 22	2FE Primary	£10,200,000 (strategic site cost as agreed)!	-£10,200,000
	Year 23			
	Year 24			
	Year 25	KCC Social care	£284,250 (strategic site cost as agreed)!	-£284,250
	Year 26			
	Year 27			
	Year 28			
	Year 29			
	Year 30	KCC Social care	£284,250 (strategic site cost as agreed)!	-£284,250
	Year 31			
	Year 32	3FE Primary	£15,600,000 (strategic site cost as agreed)!	-£15,600,000
	Year 33	KCC new second ?	£36,170,550 (strategic site cost as agreed)!	-£36,170,550
	total		5,000 Units @	0 per unit -£94,631,250
	s106 analysis		6.09% of GDV	£19,022 £ per unit (total units)
AH Commuted sum		450578 sqm Total		
Comm sum analysis		0.00% of GDV		
Construction Costs				
	Site clearance and Demolition	308.88 acres@		£0
	Bio diversity Net Gain (BNG)	1,128 £ per dwelling		-£5,640,000
Infrastructure Costs				
	Year 1			
	Year 2			
	Year 3			
	Year 4			
	Year 5			
	Year 6			
	Year 7			
	Year 8			
	Year 9		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 10		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 11		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 12		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 13		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 14		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 15		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 16		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 17		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 18		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 19		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 20		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 21		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 22		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 23		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 24		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 25		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 26		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 27		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 28		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 29		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 30		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 31		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 32		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 33		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	total		5,000	-£128,900,000
	Infra. Costs analysis		8.3% of GDV	-£25,780

Development costs and surplus calculation continued

1 bed House			Sqm @	£1,258 psm	£0
2 bed House			112,560 Sqm @	£1,258 psm	-£158,371,920
3 bed House			177,000 Sqm @	£1,258 psm	-£222,666,000
4 bed House			116,900 Sqm @	£1,258 psm	-£147,060,200
5 bed House			Sqm @	£1,258 psm	£0
1 bed flat			43,866 Sqm @	£1,407 psm	-£62,073,529
2 bed flat		450578	Sqm @	£1,407 psm	£0
Garages for 4B Houses			950 Dwellings @	£6,000 per garage	-£5,700,000
Garages for 5B Houses			Dwellings @	£6,000 per garage	
External works				15.00%	-£89,380,747
				-£17,876 £ per unit	
Category 2 Housing		100.00% of all units	5000 Units @	£1,400.00 £per dwelling	-£7,000,000
Category 3 Housing		5.00% of all units	2000 Units @	£11,386.00 £per dwelling	-£1,138,600
Water efficiency		100.00% of all units	2000 Units @	£11.00 £per dwelling	-£22,000
Mitigating Climate (FHS)			5000 Units @	£10,000.00 £per dwelling	-£50,000,000
EV charging points (houses)			4280 Units @	£500.00 £per dwelling	-£2,140,000
EV charging points (flats)			720 Units @	£2,500.00 £per dwelling	-£1,800,000
Contingency	-£881,892,996	@		10.00%	-£88,189,300
Professional fees	-£881,892,996	@		10.00%	-£88,189,300
Disposal Costs					
Marketing and Promotion	£1,189,500,000	OMS @		1.50%	-£17,842,500
Residential Sales Agent Costs	£1,189,500,000	OMS @		1.00%	-£11,895,000
Residential Sales Legal Costs	£1,189,500,000	OMS @		0.50%	-£5,947,500
Interest		7.50% Apr ?		0.60% pcm	-£1,458,803
Developers Profit					
Margin on AH	£372,232,000			6.00% on AH values	-£22,333,920
Profit on GDV	£1,189,500,000			20.00%	-£237,900,000
	£1,148,300,298			20.72% on costs	-£237,927,821.75
	£1,552,982,000			16.72% blended	-£259,658,590.40
TOTAL DEVELOPMENT COSTS					-£1,569,972,928
BALANCE					
Surplus/Deficit					-£8,240,928
					-£65,927 £ per ha
					-£26,687 £ per acre

APPENDIX B – Surplus Calculations with contingencies at 20% and 40%

At 20%

1 bed House		Sqm @	£1,258 psm	£0
2 bed House		112,560 Sqm @	£1,258 psm	£-158,371,920
3 bed House		177,000 Sqm @	£1,258 psm	£-222,666,000
4 bed House		116,900 Sqm @	£1,258 psm	£-147,060,200
5 bed House		Sqm @	£1,258 psm	£0
1 bed flat		43,866 Sqm @	£1,407 psm	£-62,073,529
2 bed flat	450578	Sqm @	£1,407 psm	£0
Garages for 4B Houses		950 Dwellings @	£6,000 per garage	£-5,700,000
Garages for 5B Houses		Dwellings @	£6,000 per garage	
External works			15.00% -£17,876 £ per unit	£-89,380,747
Category 2 Housing	100.00% of all units	5000 Units @	£1,400.00 £per dwelling	£-7,000,000
Category 3 Housing	5.00% of all units	2000 Units @	£11,386.00 £per dwelling	£-1,138,600
Water efficiency	100.00% of all units	2000 Units @	£11.00 £per dwelling	£-22,000
Mitigating Climate (FHS)		5000 Units @	£10,000.00 £per dwelling	£-50,000,000
EV charging points (houses)		4280 Units @	£500.00 £per dwelling	£-2,140,000
EV charging points (flats)		720 Units @	£2,500.00 £per dwelling	£-1,800,000
Contingency	-£881,892,996 @		20.00%	£-176,378,599
Professional fees	-£881,892,996 @		10.00%	£-88,189,300
Disposal Costs				
Marketing and Promotion	£1,189,500,000 OMS @		1.50%	£-17,842,500
Residential Sales Agent Costs	£1,189,500,000 OMS @		1.00%	£-11,895,000
Residential Sales Legal Costs	£1,189,500,000 OMS @		0.50%	£-5,947,500
Interest	7.50% Apr ?		0.60% pcm	£-1,458,803
Developers Profit				
Margin on AH	£372,232,000		6.00% on AH values	£-22,333,920
Profit on GDV	£1,189,500,000		20.00%	£-237,900,000
	£1,148,300,298		20.72% on costs	£-237,927,821.75
	£1,552,982,000		16.72% blended	£-259,658,590.40
TOTAL DEVELOPMENT COSTS				£-1,658,162,228
BALANCE				
Surplus/Deficit	-£771,442 £ per ha		-£312,274 £ per acre	-£96,430,228

At 40%

1 bed House		Sqm @	£1,258 psm	£0
2 bed House		112,560 Sqm @	£1,258 psm	£-158,371,920
3 bed House		177,000 Sqm @	£1,258 psm	£-222,666,000
4 bed House		116,900 Sqm @	£1,258 psm	£-147,060,200
5 bed House		Sqm @	£1,258 psm	£0
1 bed flat		43,866 Sqm @	£1,407 psm	£-62,073,529
2 bed flat	450578	Sqm @	£1,407 psm	£0
Garages for 4B Houses		950 Dwellings @	£6,000 per garage	£-5,700,000
Garages for 5B Houses		Dwellings @	£6,000 per garage	
External works			15.00% -£17,876 £ per unit	£-89,380,747
Category 2 Housing	100.00% of all units	5000 Units @	£1,400.00 £per dwelling	£-7,000,000
Category 3 Housing	5.00% of all units	2000 Units @	£11,386.00 £per dwelling	£-1,138,600
Water efficiency	100.00% of all units	2000 Units @	£11.00 £per dwelling	£-22,000
Mitigating Climate (FHS)		5000 Units @	£10,000.00 £per dwelling	£-50,000,000
EV charging points (houses)		4280 Units @	£500.00 £per dwelling	£-2,140,000
EV charging points (flats)		720 Units @	£2,500.00 £per dwelling	£-1,800,000
Contingency	-£881,892,996 @		40.00%	£-352,757,199
Professional fees	-£881,892,996 @		10.00%	£-88,189,300
Disposal Costs				
Marketing and Promotion	£1,189,500,000 OMS @		1.50%	£-17,842,500
Residential Sales Agent Costs	£1,189,500,000 OMS @		1.00%	£-11,895,000
Residential Sales Legal Costs	£1,189,500,000 OMS @		0.50%	£-5,947,500
Interest	7.50% Apr ?		0.60% pcm	£-1,458,803
Developers Profit				
Margin on AH	£372,232,000		6.00% on AH values	£-22,333,920
Profit on GDV	£1,189,500,000		20.00%	£-237,900,000
	£1,148,300,298		20.72% on costs	£-237,927,821.75
	£1,552,982,000		16.72% blended	£-259,658,590.40
TOTAL DEVELOPMENT COSTS				£-1,834,540,827
BALANCE				
Surplus/Deficit	-£2,182,471 £ per ha		-£883,448 £ per acre	-£272,808,827

APPENDIX C – Sensitivity to Specific Costs and Methodology

£30,000,000 for the station, house floor areas uplifted by 2%, Bench Mark Land Value at £135,000/acre, and housing numbers set at 4,700 units.

Assumptions Residential Uses									
Total number of units in the scheme		4700 Units							
AH Policy requirement (%Target)		40.00%				Total Houses			
AH Tenure split %		Aff. Rent/soc. Rent		70.00%		MV		2820	
		Affordable home ownership		5.00%		AH		1880	
		First Homes		25.00%					
Open Market Sale (OMS)		60.00%							
		100.00%							
CIL Rate (£ psm)									
Unit mix -		Mkt Units mix % MV # units		AH mix% AH # units		Overall mix%		Total # units Occupancy rates	
1 bed House	0%	0	0.00%	0	0.00%	0	0	0	0
2 bed House	25%	705	36.50%	686.2	27.82%	1391.2	2960	1739	5180
3 bed House	45%	1269	25.00%	470	34.78%	893	3325	0	0
4 bed House	25%	705	10.00%	188	17.86%	676.8	1008	0	0
5 bed House	0%	0	0.00%	0	0.00%	0	0	0	0
1 bed flat	5%	141	28.50%	535.8	13.54%	676.8	1008	0	0
2 bed flat	0%	0	0.00%	0	0.00%	0	0	0	0
Total number of units	100%	2820	100.00%	1880	94.00%	4700	12473		
		Net area per unit		Net to Gross %		Gross (GIA) per unit			
OMS Unit Floor areas		(sqm)	(spft)			(sqm)	(sqft)		
1 bed House		0	0	2.00%		0.0	0		
2 bed House	80	861		2.00%		81.6	878		
3 bed House	100	1076		2.00%		102.0	1098		
4 bed House	130	1399		2.00%		132.6	1427		
5 bed House		0		2.00%		0.0	0		
1 bed flat	60	646		15.00%		69.0	743		
2 bed flat	0	0		15.00%		0.0	0		
AH Unit Floor areas		(sqm)	(spft)			(sqm)	(sqft)		
1 bed House		0	0			0	0		
2 bed House	72	775				72	775		
3 bed House	84	904				84	904		
4 bed House	97	1044				97	1044		
5 bed House		0				0	0		
1 bed flat	50	538		85.00%		58.8	633		
2 bed flat	61	657		85.00%		0	0		
Total Gross Floor areas		Mkt Units GIA (sqm)	(spft)	AH Units GIA (sqm) (sqft)		Total GIA (sqm) (sqft)			
1 bed House		0	0	0	0	0	0		
2 bed House		57,528	619,247	49,406	531,823	106,934	1,151,070		
3 bed House		129,438	1,393,305	39,480	424,973	168,918	1,818,278		
4 bed House		93,483	1,006,276	18,236	196,297	111,719	1,202,573		
5 bed House		0	0	0	0	0	0		
1 bed flat		9,729	104,726	31,505	339,129	41,234	443,854		
2 bed flat		0	0	0	0	0	0		
		290,178	3,123,552	138,627	1,492,222	428,805	4,615,774		
Open Market Sale values (£)		£ OMS (per unit)	£ psm	£ psf	total MV £ (no AH)				
1 bed House			£0.00	£0					
2 bed House		£320,000	£4,000	£372			£445,184,000		
3 bed House		£400,000	£4,000	£372			£695,600,000		
4 bed House		£500,000	£3,846	£357			£446,500,000		
5 bed House				0			£0		
1 bed flat		£230,000	£3,833	£356			£155,664,000		
2 bed flat		£0					£0		
							£1,742,948,000		
Affordable Housing values (£) -		Aff. Rent £	£psm	% of MV	SharedOwn'p ££ psm	% of MV	First Homes £	£ psm	% of MV
1 bed House		£0		50%	£0	70%	£0		70%
2 bed House		£160,000	£2,222	50%	£224,000	70%	£224,000	£3,111	70%
3 bed House		£200,000	£2,381	50%	£280,000	70%	£280,000	£3,333	70%
4 bed House		£250,000	£2,577	50%	£350,000	70%	£350,000	£3,608	70%
5 bed House		£0		50%	£0	70%	£0		70%
1 bed flat		£115,000	£2,300	50%	£161,000	70%	£161,000	£3,220	70%
2 bed flat		£0	£0	50%	£0	70%	£0	£0	70%

GROSS DEVELOPMENT VALUE

OMS GDV - (part houses due to % mix)				
1 bed House	0	@	0	0
2 bed House	705	@	£320,000	£225,600,000
3 bed House	1269	@	£400,000	£507,600,000
4 bed House	705	@	£500,000	£352,500,000
5 bed House	0	@	£0	£0
1 bed flat	141	@	£230,000	£32,430,000
2 bed flat	0	@	£0	£0
	2820			£1,118,130,000
Aff.rent/soc.rent GDV -				
1 bed House	0	@	£0	£0
2 bed House	511	@	£160,000	£81,760,000
3 bed House	350	@	£200,000	£70,000,000
4 bed House	140	@	£250,000	£35,000,000
5 bed House	0	@	£0	£0
1 bed flat	399	@	£115,000	£45,885,000
2 bed flat	0	@	£0	£0
	1400			£232,645,000
Affordable home Ownership GDV -				
1 bed House	0	@	£0	£0
2 bed House	36.5	@	£224,000	£8,176,000
3 bed House	25	@	£280,000	£7,000,000
4 bed House	10	@	£350,000	£3,500,000
5 bed House	0	@	£0	£0
1 bed flat	28.5	@	£161,000	£4,588,500
2 bed flat	0	@	£0	£0
	100			£23,264,500
First Homes GDV -				
1 bed House	0	@	£0	£0
2 bed House	182.5	@	£224,000	£40,880,000
3 bed House	125	@	£280,000	£35,000,000
4 bed House	50	@	£350,000	£17,500,000
5 bed House	0	@	£0	£0
1 bed flat	142.5	@	£161,000	£22,942,500
2 bed flat	0	@	£0	£0
	500			£116,322,500
Sub – total GDV Residential	4820			£1,490,362,000
AH on-site cost analysis				<i>£MV less GDV</i> £252,586,000
Grant	4820	@	£0	
Total GDV				£1,490,362,000

Gross benchmark Land Value (BLV)

Residential Density		40 net dph	14 gross dph
Net site area (Resi)		125 ha	308.8 acres
Gross Site Area (Resi)		357.14 ha	882.5 acres
	<i>Density analysis:</i>	3605 sqm/ha	15702 sqft/ac
Benchmark Land Value (BLV)	£23,828 £ per plot	£953,100 £ per ha	357,136 £ net per acre
Gross to net land area	35%		
Benchmark Land Value (BLV)(gross)	£23,828 £ per plot	£333,585 £ per ha	135000 £ per acre gross

Phased land payment		SDLT HMR Rates	Aquisition Agent 1.00%	Legal Fees 0.50%	Gross BLV
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Year 6	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 7					
Year 8	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 9					
Year 10	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 11					
Year 12	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 13					
Year 14	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 15					
Year 16	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 17					
Year 18	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 19					
Year 20	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 21					
Year 22	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 23					
Year 24	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 25					
Year 26	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 27					
Year 28	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 29					
Year 30	£9,164,423	£446,881	£91,644	£45,822	-£9,748,771
Year 31					
Year 32					
Year 33					
Total	£119,137,500				-£126,734,019
	<i>Per plot</i>	£23,828			

Development Costs				
Planning Application Professional Fees, Surveys and reports (1,760,000)				-£1,760,000
Statutory Planning Fees (Residential)				-£588,299
CIL				
	CIL Analysis	303,068 m2		
	Site Specific S106 Contributions	0.00% of GDV		
	Year 1			
	Year 2			
	Year 3			
	Year 4			
	Year 5			
	Year 6			
	Year 7			
	Year 8	GP surgery, railway	£32,000,000 (strategic site cost as agreed)!	-£32,000,000
	Year 9			
	Year 10			
	Year 11			
	Year 12			
	Year 13			
	Year 14			
	Year 15	Creation of ambulance	£17,507,950 (strategic site cost as agreed)!	-£17,507,950
	Year 16			
	Year 17			
	Year 18			
	Year 19			
	Year 20	KCC Social care	£284,250 (strategic site cost as agreed)!	-£284,250
	Year 21			
	Year 22	2FE Primary	£10,200,000 (strategic site cost as agreed)!	-£10,200,000
	Year 23			
	Year 24			
	Year 25	KCC Social care	£284,250 (strategic site cost as agreed)!	-£284,250
	Year 26			
	Year 27			
	Year 28			
	Year 29			
	Year 30	KCC Social care	£284,250 (strategic site cost as agreed)!	-£284,250
	Year 31			
	Year 32	3FE Primary	£15,600,000 (strategic site cost as agreed)!	-£15,600,000
	Year 33	KCC new second ?	£36,170,550 (strategic site cost as agreed)!	-£36,170,550
	total		5,000 Units @	
	s106 analysis		6.09% % of GDV	0 per unit -£112,331,250
	AH Commuted sum		450578 sqm Total	£18,153 £ per unit (total units)
	Comm sum analysis		0.00% of GDV	
Construction Costs				
	Site clearance and Demolition	308.88 acres@	0 £ per acre (if brownfield)	£0
	Bio diversity Net Gain (BNG)	1,128 £ per dwelling		-£5,436,960
Infrastructure Costs				
	Year 1			
	Year 2			
	Year 3			
	Year 4			
	Year 5			
	Year 6			
	Year 7			
	Year 8			
	Year 9		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 10		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 11		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 12		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 13		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 14		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 15		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 16		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 17		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 18		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 19		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 20		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 21		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 22		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 23		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 24		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 25		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 26		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 27		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 28		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 29		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 30		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 31		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 32		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	Year 33		£5,156,000 (strategic site cost as agreed)!	-£5,156,000
	total		5,000	-£128,900,000
	Infra. Costs analysis		8.3 % of GDV	-£26,743

Development Costs continued

1 bed House			Sqm @	£1,258 psm		£0
2 bed House			106,934 Sqm @	£1,258 psm		-£158,371,920
3 bed House			168,918 Sqm @	£1,258 psm		-£212,498,844
4 bed House			111,719 Sqm @	£1,258 psm		-£140,542,502
5 bed House			Sqm @	£1,258 psm		£0
1 bed flat			41,234 Sqm @	£1,407 psm		-£62,073,529
2 bed flat	450578		Sqm @	£1,407 psm		£0
Garages for 4B Houses			950 Dwellings @	£6,000 per garage		-£5,700,000
Garages for 5B Houses			Dwellings @	£6,000 per garage		
External works			-£579,186,795	15.00%		-£86,878,019
				-£18,024 £ per unit		
Category 2 Housing	100.00%	of all units	5000 Units @	£1,400.00 £per dwelling		-£7,000,000
Category 3 Housing	5.00%	of all units	2000 Units @	£11,386.00 £per dwelling		-£1,138,600
Water efficiency	100.00%	of all units	2000 Units @	£11.00 £per dwelling		-£22,000
Mitigating Climate (FHS)			5000 Units @	£10,000.00 £per dwelling		-£50,000,000
EV charging points (houses)			4280 Units @	£500.00 £per dwelling		-£2,140,000
EV charging points (flats)			720 Units @	£2,500.00 £per dwelling		-£1,800,000
Contingency	-£862,502,374	@	5.00%			-£43,125,119
Professional fees	-£862,502,374	@	10.00%			-£86,250,237
Disposal Costs						
Marketing and Promotion	£1,118,130,000	OMS @	1.50%			-£16,771,950
Residential Sales Agent Costs	£1,118,130,000	OMS @	1.00%			-£11,181,300
Residential Sales Legal Costs	£1,118,130,000	OMS @	0.50%			-£5,590,650
Interest	7.50%	Apr ?	0.60% pcm			-£1,458,803
Developers Profit						
Margin on AH	£372,232,000		6.00% on AH values			-£22,333,920
Profit on GDV	£1,118,130,000		20.00%			-£223,626,000
	£1,148,300,298		20.72% on costs		-£237,927,821.75	
	£1,552,982,000		16.72% blended		-£258,658,590.40	
TOTAL DEVELOPMENT COSTS						-£1,514,253,921
BALANCE						
Surplus/Deficit		-£191,135 £ per ha		-£77,370 £ per acre		-£23,891,921

APPENDIX D – Garden Settlement Typology (Heathlands)

Summary Outcome:

	GDV	Land	Development Costs	
Residential	£1,561,732,000	-£117,344,061	-£1,411,611,924	
Offices	£24,329,206		-£40,080,723	
Industrials	£57,497,164	-£5,312,650	-£61,885,499	
Retail	£6,188,418		-£5,910,603	
Logistics	£14,374,291		-£15,517,875	
Totals	£1,664,121,078	-£122,656,711	-£1,535,006,623	Surplus £6,457,745

Residential Assumptions:

Assumptions Residential Uses

Total number of units in the scheme

AH Policy requirement (%Target)

AH Tenure split %

	5000 Units	
Aff. Rent/soc. Rent	40.00%	70.00%
Affordable home ownership		5.00%
First Homes		25.00%

Total Houses

MV 3000

AH 2000

Open Market Sale (OMS)

	60.00%
	100.00%

CIL Rate (£ psm)

Unit mix -	Mkt Units mix %	MV # units	AH mix% AH # units	Overall mix%	Total # units	Occupancy rat
1 bed House	0%	0	0.00%	0.00%	0	0
2 bed House	25%	750	36.50%	29.60%	1480	2960
3 bed House	45%	1350	25.00%	37.00%	1850	5180
4 bed House	25%	750	10.00%	19.00%	950	3325
5 bed House	0%	0	0.00%	0.00%	0	0
1 bed flat	5%	150	28.50%	14.40%	720	1008
2 bed flat	0%	0	0.00%	0.00%	0	0
Total number of units	100%	3000	100.00%	100.00%	5000	12473

OMS Unit Floor areas	Net area per unit		Net to Gross %	Gross (GIA) per unit	
	(sqm)	(spft)		(sqm)	(sqft)
1 bed House		0	0.00%	0.0	0
2 bed House	80	861	0.00%	80.0	861
3 bed House	100	1076	0.00%	100.0	1076
4 bed House	130	1399	0.00%	130.0	1399
5 bed House		0	0.00%	0.0	0
1 bed flat	60	646	15.00%	69.0	743
2 bed flat	0	0	15.00%	0.0	0

AH Unit Floor areas	Net area per unit		Net to Gross %	Gross (GIA) per unit	
	(sqm)	(spft)		(sqm)	(sqft)
1 bed House		0		0	0
2 bed House	72	775		72	775
3 bed House	84	904		84	904
4 bed House	97	1044		97	1044
5 bed House		0		0	0
1 bed flat	50	538	85.00%	58.8	633
2 bed flat	61	657	85.00%	0	0

Total Gross Floor areas	Mkt Units GIA		AH Units GIA		Total GIA	
	(sqm)	(spft)	(sqm)	(spft)	(sqm)	(spft)
1 bed House	0	0	0	0	0	0
2 bed House	60,000	645,856	52,560	565,770	112,560	1,211,625
3 bed House	135,000	1,453,175	42,000	452,099	177,000	1,905,274
4 bed House	97,500	1,049,516	19,400	208,827	116,900	1,258,342
5 bed House	0	0	0	0	0	0
1 bed flat	10,350	111,410	33,516	360,775	43,866	472,185
2 bed flat	0	0	0	0	0	0
Total	302,850	3,259,957	147,476	1,587,470	450,326	4,847,427

Open Market Sale values (£)	£ OMS (per unit)	£ psm	£ psf	total MV £ (no AH)	
				£	£ psm
1 bed House		£0.00	£0		
2 bed House	£320,000	£4,000	£372	£473,600,000	
3 bed House	£400,000	£4,000	£372	£740,000,000	
4 bed House	£500,000	£3,846	£357	£475,000,000	
5 bed House			0	£0	
1 bed flat	£230,000	£3,833	£356	£165,600,000	
2 bed flat	£0			£0	
Total				£1,854,200,000	

Affordable Housing values (£)	Aff. Rent £	£psm	% of MV	SharedOwn'p ££ psm	% of MV	First Homes £	£ psm	% of MV
2 bed House	£160,000	£2,222	50%	£224,000	£3,111	£224,000	£3,111	70%
3 bed House	£200,000	£2,381	50%	£280,000	£3,333	£280,000	£3,333	70%
4 bed House	£250,000	£2,577	50%	£350,000	£3,608	£350,000	£3,608	70%
5 bed House	£0		50%	£0		£0		70%
1 bed flat	£115,000	£2,300	50%	£161,000	£3,220	£161,000	£3,220	70%
2 bed flat	£0	£0	50%	£0	£0	£0	£0	70%

Residential Gross Development Value: Gross development Value:

GROSS DEVELOPMENT VALUE

OMS GDV -		(part houses due to % mix)			
1 bed House	0	@	0		0
2 bed House	750	@	£320,000		£240,000,000
3 bed House	1350	@	£400,000		£540,000,000
4 bed House	750	@	£500,000		£375,000,000
5 bed House	0	@	£0		£0
1 bed flat	150	@	£230,000		£34,500,000
2 bed flat	0	@	£0		£0
	3000				£1,189,500,000

Aff.rent/soc.rent GDV -					
1 bed House	0	@	£0		£0
2 bed House	511	@	£160,000		£81,760,000
3 bed House	350	@	£200,000		£70,000,000
4 bed House	140	@	£250,000		£35,000,000
5 bed House	0	@	£0		£0
1 bed flat	399	@	£115,000		£45,885,000
2 bed flat	0	@	£0		£0
	1400				£232,645,000

Affordable home Ownership GDV -					
1 bed House	0	@	£0		£0
2 bed House	36.5	@	£224,000		£8,176,000
3 bed House	25	@	£280,000		£7,000,000
4 bed House	10	@	£350,000		£3,500,000
5 bed House	0	@	£0		£0
1 bed flat	28.5	@	£161,000		£4,588,500
2 bed flat	0	@	£0		£0
	100				£23,264,500

First Homes GDV -					
1 bed House	0	@	£0		£0
2 bed House	182.5	@	£224,000		£40,880,000
3 bed House	125	@	£280,000		£35,000,000
4 bed House	50	@	£350,000		£17,500,000
5 bed House	0	@	£0		£0
1 bed flat	142.5	@	£161,000		£22,942,500
2 bed flat	0	@	£0		£0
	500				£116,322,500

Sub – total GDV Residential 5000 **£1,561,732,000**
 AH on-site cost analysis *£MV less GDV £292,468,000*

Grant 5000 @ £0

Total GDV £1,561,732,000

Bench Mark Land Value Residential:

Gross benchmark Land Value (BLV)

Residential Density		40 net dph	14 gross dph
Net site area (Resi)		125 ha	308.8 acres
Gross Site Area (Resi)		357.14 ha	882.5 acres
Density analysis:		3605 sqm/ha	15702 sqft/ac
Benchmark Land Value (BLV)	£22,062 £ per plot	£882,483 £ per ha	357,136 £ net per acre
Gross to net land area	35%		
Benchmark Land Value (BLV)(gross)	£22,062 £ per plot	£308,869 £ per ha	124997.6 £ per acre gross

Phased land payment	SDLT HMR Rates	Aquisition Agent 1.00%	Legal Fees 0.50%	Gross BLV	
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Year 6	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 7					
Year 8	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 9					
Year 10	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 11					
Year 12	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 13					
Year 14	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 15					
Year 16	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 17					
Year 18	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 19					
Year 20	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 21					
Year 22	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 23					
Year 24	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 25					
Year 26	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 27					
Year 28	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 29					
Year 30	£8,485,414	£413,771	£84,854	£42,427	-£9,026,466
Year 31					
Year 32					
Year 33					
Total	£110,310,382				-£117,344,061
Per plot	£22,062				

Costs and Surplus Residential:

Development Costs				
Planning Application Professional Fees, Surveys and reports (1,760,000)				-£1,760,000
Statutory Planning Fees (Residential)				-£588,299
CIL				
CIL Analysis		303,068 m2		
Site Specific S106 Contributions		0.00% of GDV		
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				
Year 6				
Year 7				
Year 8	GP surgery, railway	£14,300,000	(strategic site cost as agreed)	-£14,300,000
Year 9				
Year 10				
Year 11				
Year 12				
Year 13				
Year 14				
Year 15	Creation of ambulance	£17,507,950	(strategic site cost as agreed)	-£17,507,950
Year 16				
Year 17				
Year 18				
Year 19				
Year 20	KCC Social care	£284,250	(strategic site cost as agreed)	-£284,250
Year 21				
Year 22	2FE Primary	£10,200,000	(strategic site cost as agreed)	-£10,200,000
Year 23				
Year 24				
Year 25	KCC Social care	£284,250	(strategic site cost as agreed)	-£284,250
Year 26				
Year 27				
Year 28				
Year 29				
Year 30	KCC Social care	£284,250	(strategic site cost as agreed)	-£284,250
Year 31				
Year 32	3FE Primary	£15,600,000	(strategic site cost as agreed)	-£15,600,000
Year 33	KCC new second ?	£36,170,550	(strategic site cost as agreed)	-£36,170,550
total		5,000 Units @		
s106 analysis		6.09% % of GDV	0 per unit	-£94,631,250
AH Commuted sum		450578 sqm Total	£19,022 £ per unit (total units)	
Comm sum analysis		0.00% of GDV		
Construction Costs				
Site clearance and Demolition		308.88 acres@	0 £ per acre (if brownfield)	£0
Bio diversity Net Gain (BNG)		1,128 £ per dwelling		-£5,640,000
Infrastructure Costs				
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				
Year 6				
Year 7				
Year 8				
Year 9		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 10		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 11		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 12		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 13		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 14		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 15		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 16		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 17		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 18		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 19		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 20		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 21		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 22		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 23		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 24		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 25		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 26		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 27		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 28		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 29		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 30		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 31		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 32		£5,156,000	(strategic site cost as agreed)	-£5,156,000
Year 33		£5,156,000	(strategic site cost as agreed)	-£5,156,000
total		5,000		-£128,900,000
Infra. Costs analysis		8.3 % of GDV		-£25,780

Costs & Surplus Residential continued

1 bed House		Sqm @	£1,258 psm	£0
2 bed House		112,560 Sqm @	£1,258 psm	-£158,371,920
3 bed House		177,000 Sqm @	£1,258 psm	-£222,666,000
4 bed House		116,900 Sqm @	£1,258 psm	-£147,060,200
5 bed House		Sqm @	£1,258 psm	£0
1 bed flat		43,866 Sqm @	£1,407 psm	-£62,073,529
2 bed flat	450578	Sqm @	£1,407 psm	£0
Garages for 4B Houses		950 Dwellings @	£6,000 per garage	-£5,700,000
Garages for 5B Houses		Dwellings @	£6,000 per garage	
External works		-£595,871,649	15.00% -£17,876 £ per unit	-£89,380,747
Category 2 Housing	100.00% of all units	5000 Units @	£1,400.00 £per dwelling	-£7,000,000
Category 3 Housing	5.00% of all units	2000 Units @	£11,386.00 £per dwelling	-£1,138,600
Water efficiency	100.00% of all units	2000 Units @	£11.00 £per dwelling	-£22,000
Mitigating Climate (FHS)		5000 Units @	£10,000.00 £per dwelling	-£50,000,000
EV charging points (houses)		4280 Units @	£500.00 £per dwelling	-£2,140,000
EV charging points (flats)		720 Units @	£2,500.00 £per dwelling	-£1,800,000
Contingency	-£881,892,996 @		5.00%	-£44,094,650
Professional fees	-£881,892,996 @		10.00%	-£88,189,300
Disposal Costs				
Marketing and Promotion	£1,189,500,000 OMS @		1.50%	-£17,842,500
Residential Sales Agent Costs	£1,189,500,000 OMS @		1.00%	-£11,895,000
Residential Sales Legal Costs	£1,189,500,000 OMS @		0.50%	-£5,947,500
Interest	7.50% Apr ?		0.60% pcm	-£4,536,509
Developers Profit				
Margin on AH	£372,232,000		6.00% on AH values	-£22,333,920
Profit on GDV	£1,189,500,000		20.00%	-£237,900,000
	£1,148,300,298		20.72% on costs	-£237,927,821.75
	£1,552,982,000		16.72% blended	-£259,658,590.40
TOTAL DEVELOPMENT COSTS				-£1,528,955,985
BALANCE				
Surplus/Deficit	£262,208 £ per ha	£106,140 £ per acre		£32,776,015

Retail Viability:

RETAIL

Assumptions					
Floor areas:	NIA (sqm)	NIA (sqft)	Net to Gross	GIA (sqm)	NIA (sqft)
Area 1	2500.0	26910.7	85.00%	2941.2	31659.6
Area 2		0.0	0		
Area 3		0.0	0		
Area 4		0.0	0		
Area 5		0.0	0		
Area 6		0.0	0		
Total floor area	2500.0	26910.7			31659.6

Gross Development Value					
	NIA(sqft)		£ psf	£	
Area 1	26910.7	@	22.0	592,034	
Area 2	0.0	@	0.0		
Area 3	0.0	@	0.0		
Area 4	0.0	@	0.0		
Area 5	0.0	@	0.0		
Area 6	0.0	@	0.0		
Estimated Gross Rental Value per annum				592,034	
Yield		@	8.00%		
Capital Value				7,400,431	
less					
Rent free/ Void allowance	18	months rent fee		-888,052	
Purchasers costs		@	5.76%	-323,961	6,188,418
GDV					£6,188,418

Development Costs						
Planning Application professional fees and reports					-£20,790	
Statutory Planning Fees					-£7,700	
Combined CIL	2941.2	@		£ psm	0	
Site Specific s106/278					0	
Construction Costs						
Demolition and site clearance (allowance)		0.61	acres @	0	per acre	0
Area 1	2,941.2	Sqm @	1213.00	psm	-£3,567,647	
Area 2	0	Sqm @	1213.00	psm	£0	
Area 3	0	Sqm @	1213.00	psm	£0	
Area 4	0	Sqm @	1213.00	psm	£0	
Area 5	0	Sqm @	1213.00	psm	£0	
Area 6	0	Sqm @	1213.00	psm	£0	
					-£3,567,647	
External works	-£3,567,647	@	15.00%		-£535,147	
Contingency	-£4,102,794	@	5.00%		-£205,140	
Professional Fees	-£4,307,934	@	8.00%		-£344,635	
Disposal Fees						
Letting Agents Costs	£592,034	ERV @	10.00%		-£59,203	
Letting Legal fees	£592,034	ERV @	5.00%		-£29,602	
Investment Sale Agents fees	£6,188,418	GDV @	1.00%		-£61,884	
Investment Sale Legal Fees	£6,188,418	GDV @	0.50%		-£30,942	
Marketing and promotion	£6,188,418	GDV @	1.00%		-£61,884	
Finance Costs -						
Interest (cashflow basis incl land)		5.00%	0.0604% pcm		-£223,796	
Developers Profit	-£3,811,163	@	20.00%	on costs	-£762,233	
	£6,188,418		0.00%	on GDV	£0	
TOTAL COSTS					-£5,910,603	

Logistics viability

LOGISTICS

Assumptions					
Floor areas:	NIA (sqm)	NIA (sqft)	Net to Gross	GIA (sqm)	NIA (sqft)
Area 1	10000.0	107642.6	85.00%	11764.7	126638.4
Area 2		0.0	0		
Area 3		0.0	0		
Area 4		0.0	0		
Area 5		0.0	0		
Area 6		0.0	0		
Total floor area	10000.0	107642.6			126638.4

Gross Development Value				
	NIA(sqft)		£ psf	£
Area 1	107642.6	@	8.0	861,141
Area 2	0.0	@	0.0	
Area 3	0.0	@	0.0	
Area 4	0.0	@	0.0	
Area 5	0.0	@	0.0	
Area 6	0.0	@	0.0	
Estimated Gross Rental Value per annum				861,141
Yield		@	5.50%	
Capital Value				15,657,109
less				
Rent free/ Void allowance	6	months rent fee		-430,571
Purchasers costs		@	5.76%	-852,248
				14,374,291
GDV				£14,374,291

Development Costs						
Planning Application professional fees and reports					-£92,769	
Statutory Planning Fees					-£34,359	
Combined CIL	11764.7	@		£ psm	0	
Site Specific s106/278					0	
Construction Costs						
Demolition and site clearance (allowance)		0.61	acres @	0	per acre	0
Area 1	11,764.7	Sqm @	803.00	psm	-£9,447,059	
Area 2	0	Sqm @	803.00	psm	£0	
Area 3	0	Sqm @	803.00	psm	£0	
Area 4	0	Sqm @	803.00	psm	£0	
Area 5	0	Sqm @	803.00	psm	£0	
Area 6	0	Sqm @	803.00	psm	£0	
					-£9,447,059	
External works	-£9,447,059	@	15.00%		-£1,417,059	
Contingency	-£10,864,118	@	5.00%		-£543,206	
Professional Fees	-£11,407,324	@	8.00%		-£912,586	
Disposal Fees						
Letting Agents Costs	£861,141	ERV @	10.00%		-£86,114	
Letting Legal fees	£861,141	ERV @	5.00%		-£43,057	
Investment Sale Agents fees	£14,374,291	GDV @	1.00%		-£143,743	
Investment Sale Legal Fees	£14,374,291	GDV @	0.50%		-£71,871	
Marketing and promotion	£14,374,291	GDV @	1.00%		-£143,743	
Finance Costs -						
Interest (cashflow basis incl land)		5.00%	0.0604% pcm		-£595,192	
Developers Profit	-£9,935,587	@	20.00%	on costs	-£1,987,117	
	£14,374,291		0.00%	on GDV	£0	
TOTAL COSTS					-£15,517,875	

Industrials Viability

INDUSTRIALS

Assumptions					
Floor areas:	NIA (sqm)	NIA (sqft)	Net to Gross	GIA (sqm)	NIA (sqft)
Area 1	40000.0	430570.5	85.00%	47058.8	506553.5
Area 2		0.0	0		
Area 3		0.0	0		
Area 4		0.0	0		
Area 5		0.0	0		
Area 6		0.0	0		
Total floor area	40000.0	430570.5			506553.5

Gross Development Value					
	NIA(sqft)		£ psf	£	
Area 1	430570.5	@	8.0	3,444,564	
Area 2	0.0	@	0.0		
Area 3	0.0	@	0.0		
Area 4	0.0	@	0.0		
Area 5	0.0	@	0.0		
Area 6	0.0	@	0.0		
Estimated Gross Rental Value per annum				3,444,564	
Yield		@	5.50%		
Capital Value				62,628,437	
less					
Rent free/ Void allowance	6	months rent fee		-1,722,282	
Purchasers costs		@	5.76%	-3,408,991	57,497,164
GDV					£57,497,164

Development Costs						
Planning Application professional fees and reports					-£241,809	
Statutory Planning Fees					-£89,559	
Combined CIL	47058.8	@		£ psm	0	
Site Specific s106/278					0	
Construction Costs						
Demolition and site clearance (allowance)		0.61	acres @	0	per acre	0
Area 1	47,058.8	Sqm @	803.00	psm	-£37,788,235	
Area 2	0	Sqm @	803.00	psm	£0	
Area 3	0	Sqm @	803.00	psm	£0	
Area 4	0	Sqm @	803.00	psm	£0	
Area 5	0	Sqm @	803.00	psm	£0	
Area 6	0	Sqm @	803.00	psm	£0	
					-£37,788,235	
External works	-£37,788,235	@	15.00%		-£5,668,235	
Contingency	-£43,456,471	@	5.00%		-£2,172,824	
Professional Fees	-£45,629,294	@	8.00%		-£3,650,344	
Disposal Fees						
Letting Agents Costs	£3,444,564	ERV @	10.00%		-£344,456	
Letting Legal fees	£3,444,564	ERV @	5.00%		-£172,228	
Investment Sale Agents fees	£57,497,164	GDV @	1.00%		-£574,972	
Investment Sale Legal Fees	£57,497,164	GDV @	0.50%		-£287,486	
Marketing and promotion	£57,497,164	GDV @	1.00%		-£574,972	
Finance Costs -						
Interest (cashflow basis incl land)		5.00%	0.0604% pcm		-£2,371,909	
Developers Profit	-£39,742,349	@	20.00%	on costs	-£7,948,470	
	£57,497,164		0.00%	on GDV	£0	
TOTAL COSTS					-£61,885,499	

Offices Viability:

OFFICE

Assumptions					
Floor areas:	NIA (sqm)	NIA (sqft)	Net to Gross	GIA (sqm)	NIA (sqft)
Area 1	10750.0	115715.8	85.00%	12647.1	136136.3
Area 2		0.0	0		
Area 3		0.0	0		
Area 4		0.0	0		
Area 5		0.0	0		
Area 6		0.0	0		
Total floor area	10750.0	115715.8			136136.3

Gross Development Value				
	NIA(sqft)		£ psf	£
Area 1	115715.8	@	18.0	2,082,885
Area 2	0.0	@	0.0	
Area 3	0.0	@	0.0	
Area 4	0.0	@	0.0	
Area 5	0.0	@	0.0	
Area 6	0.0	@	0.0	
Estimated Gross Rental Value per annum				2,082,885
Yield		@	7.50%	
Capital Value				27,771,798
less				
Rent free/ Void allowance	12	months rent fee		-2,082,885
Purchasers costs		@	5.76%	-1,359,707
GDV				£24,329,206

Development Costs				
Planning Application professional fees and reports				-£96,495
Statutory Planning Fees				-£35,739
Combined CIL	12647.1	@		0
Site Specific s106/278				0
Construction Costs				
Demolition and site clearance (allowance)		0.61 acres @	0	per acre
Area 1	12,647.1	Sqm @	1922.00	psm
Area 2	0	Sqm @	1922.00	psm
Area 3	0	Sqm @	1922.00	psm
Area 4	0	Sqm @	1922.00	psm
Area 5	0	Sqm @	1922.00	psm
Area 6	0	Sqm @	1922.00	psm
				-£24,307,647
External works	-£24,307,647	@	15.00%	-£3,646,147
Contingency	-£27,953,794	@	5.00%	-£1,397,690
Professional Fees	-£29,351,484	@	8.00%	-£2,348,119
Disposal Fees				
Letting Agents Costs	£2,082,885	ERV @	10.00%	-£208,288
Letting Legal fees	£2,082,885	ERV @	5.00%	-£104,144
Investment Sale Agents fees	£24,329,206	GDV @	1.00%	-£243,292
Investment Sale Legal Fees	£24,329,206	GDV @	0.50%	-£121,646
Marketing and promotion	£24,329,206	GDV @	1.00%	-£243,292
Finance Costs -				
Interest (cashflow basis incl land)		5.00%	0.0604% pcm	-£2,282,561
Developers Profit	-£25,228,310	@	20.00%	on costs
	£24,329,206		0.00%	on GDV
TOTAL COSTS				-£40,080,723

Employment Land Viability

Employment Land

Threshold Land Value	4800				
Site density	#NAME?	ha			
Site area	4800	sqm/ha	49.42	acres	
Threshold Land Value	£247,100.00	£ per hectare	£100,000	£ per acres	
		40.80%			-£4,942,000
Finance		7.50%	-£370,650	Value after finance	-£5,312,650

APPENDIX E – Garden Settlement Contingency Testing Summaries

Testing outcomes when residential contingency is increased to 10% & 40%.

Residential Tested at a contingency of 10%

	GDV	Land	Development Costs	
Residential	£1,561,732,000	-£117,344,061	-£1,455,706,574	
Offices	£24,329,206	-£5,312,650	-£40,080,723	
Industrials	£57,497,164		-£61,885,499	
Retail	£6,188,418		-£5,910,603	
Logistics	£14,374,291		-£15,517,875	
Totals	£1,664,121,078		-£122,656,711	-£1,579,101,273

Residential Tested at a contingency of 40%

	GDV	Land	Development Costs	
Residential	£1,561,732,000	-£117,344,061	-£1,720,274,473	
Offices	£24,329,206	-£5,312,650	-£40,080,723	
Industrials	£57,497,164		-£61,885,499	
Retail	£6,188,418		-£5,910,603	
Logistics	£14,374,291		-£15,517,875	
Totals	£1,664,121,078		-£122,656,711	-£1,843,669,172

Supporting separate document – North Essex Viability (as submitted)

Appendix C

TRANSPORT REPORT

Submitted for Regulation 19

12 December 2021

Introduction

In the absence of a full Transport Assessment being published by the promoter, SOHL sought to undertake its own independent Transport Appraisal based on publicly-available information, utilising modelling undertaken for the Transport Assessment for the Lenham Neighbourhood Plan and factoring in committed development and allocations.

Our commissioned Appraisal (appended to this report) indicates that the measures set out by the promoter and included within this policy fall woefully short to sufficiently mitigate a development of this scale.

Our Appraisal was based on the second masterplan published in July 2020 and we acknowledge that this has moved on since then. Of significance to the transport elements of the scheme is an increase from 4,000 to 5,000 residential units and an increase in employment to match the one job for every residential unit target. Given the short Regulation 19 consultation window of just 6 weeks, SOHL have not been able to get our Appraisal updated in time, however, we will endeavour to update it based on the third iteration of the masterplan ahead of the Examination.

Highway impacts

Following National Highways position that a new motorway junction can not be delivered to support this development, the A20 becomes the primary access to Heathlands. As our Appraisal notes, the removal of the motorway access will result in a significant and unacceptable increase in traffic impacts on the local highway network surrounding the site. These impacts cannot and will not be mitigated by sustainable travel alternatives.

The Heathlands Transport Vision submitted as part of the evidence base has included trip generation and distribution predictions. Whilst we broadly agree with the presented trip rates on the whole, we disagree with the distribution and the mode split.

As our Appraisal notes, the development will not be able to maximise its internalisation potential for trips resulting in the vast majority of trips associated with employment, retail, secondary/higher education and leisure purposes being external and having a resultant impact upon the surrounding road network.

We have assumed a conservative estimated peak trip generation for the development. This concludes two-way traffic flows in excess of 4,000-4,320 vehicles from the development on the A20 during the highway peak hours without accounting for existing planned residential growth in Lenham and more modest growth in other villages along the corridor including Harrietsham and Charing.

To put this level of traffic into context, the theoretical maximum capacity of the A20 corridor is between 2,400 and 3,000 vehicles two-way. Traffic flows in the order of those conservatively estimated above could simply not be accommodated on the A20 with large existing vehicle flows in place.

A comprehensive assessment of the M20 J8 and route to the proposed site needs to be undertaken to inform this section of the policy further before adoption. It also needs to consider the impact of other competing policies such as SP5(a) Potential Development in the Leeds-Langley Corridor which would place additional pressure on J8 and the surrounding network.

No mitigation or upgrade proposals have been presented to manage the traffic flows generated by the development.

It is our view that the highway network simply can not accommodate the development's trip generation and the vast investment in upgrades would render the project unviable and undeliverable.

KCC Transport Modelling of reasonable alternatives

The transport modelling outputs provided in the evidence base for the LPR are wholly unsatisfactory. The modelling of just the impact of Heathlands for the Plan Period up to 2037 and only 1,400 does not make consideration of the full extent of the 5,000 homes and 4,500 jobs the proposed development is expected to accommodate.

We believe this to be a severe limitation in the evidence base for the LPR.

Rail provision and impacts

It is not evident that a new station would be acceptable given the proximity to existing stations at Lenham and Charing and if so would potentially act as a replacement to these existing and important facilities which serve existing communities. Stantec's assessment states that a dedicated rail station would be fundamental to the development and that this should be in place from the outset to encourage and ingrain sustainable travel behaviour. This would require a new station to be in place by 2030. Based on previous recent examples of new stations on the national rail network, at least a 15 year delivery timetable is more realistic.

The recent correspondence with Network Rail (June 2021) in the evidence base, highlights the caution that Network Rail place on assuming new stations can be delivered on the railway line.

Further, it is extremely disappointing that the promoter and the LPA have chosen to withhold the preliminary business case for a new station despite it being submitted to the LPA in September 2021. We would argue that this document forms a crucial part of the evidence base at this stage and should be in the public domain.

Recent examples of new station schemes should be heeded in the evaluation of this deliverable following the change in travel patterns following the pandemic. The letter from Network Rail points to this issue and explicitly states that:

"Adding a new station call can worsen the service for existing users from other stations and would need to be fully accounted for in the next stage of development to ensure the benefits outweigh these. The operating costs of the station may be a key issue in the nearer term, particularly if house building and

therefore passenger growth is gradual. It may be beneficial to provide a level of train service to Heathlands residents that exceeds demand, if it facilitates other strategic outcomes such as modal shift or improved housing viability.

This scenario may increase industry subsidy without a consequential increase in revenue at least in the short term. [SOHL emphasis]

The recent example of the proposed new Beam Park station in east London is a very important example to note when considering new rail infrastructure to unlock new development in a post-pandemic era. The new station, wholly funded by the development and the Mayor of London has had DfT support removed due to concern in ensuring taxpayers are appropriately protected from the financial and operational risk associated with a new station. It stated that the cover of operational costs "would need to be unlimited in both time and cost." This creates significant risk in the economic case of a new station largely caused by a downturn in rail patronage.

Conclusion

In the absence of a new motorway junction the traffic impacts of the development on the A20 corridor and surrounding rural lanes would be severe and appropriate mitigation such as dualling the A20 is considered to be undeliverable and financially unviable.

The site is located in an inherently unsustainable location with regards to access to necessary employment, goods, services, and sustainable modes of transport. The proposed sustainable transport strategy is considered inadequate to overcome these deficiencies.

Supporting document: SOHL-commissioned independent transport consultant technical note on the Heathlands proposal. (Charles & Associates, October 2020)



Technical Note

Heathlands Garden Community

20-048-001 Rev A

Transport Review of Proposals

October 2020

Rev	Issue Purpose	Author	Checked	Reviewed	Approved	Date
-	Draft for Comment	SW/JW	AT	SW	JW	18/09/2020
A	Issue	SW/JW	AT	SW	JW	05/10/2020

1 Introduction

1.1 Overview

1.1.1 Charles & Associates Consulting Engineers Ltd (C&A) have been commissioned by Save our Heath Lands (SOHL) to undertake a review of publicly available documentation relating to proposals by Maidstone Borough Council (MBC) for a new Garden Community near Lenham Heath, Kent. The review is specifically directed towards transport and highways matters related to the proposed development.

1.1.2 The outline development proposals comprise approximately 4,000 residential dwellings along with ancillary employment, education, open space and mixed-use local centre floorspace.

1.1.3 The key documents that have formed the basis of this review are as follows:

- Heathlands Garden Community Vision Document, MBC (May 2019);
- Heathlands Garden Community Masterplan Design Concept, MBC (June 2020);
- Maidstone Garden Communities - Suitability Assessment, Stantec (April 2020);
- Maidstone Garden Communities - Deliverability and Viability Assessment, Stantec (August 2020);



1.1.4 In addition, relevant data has been extracted from the following:

- Lenham Neighbourhood Plan – Transport Assessment, PBA, (August 2019).

1.1.5 The following note identifies key transport and highways considerations in relation to the proposed development in turn and raises questions and/or provides a critical review of the information provided to date. It should be noted that the level of detail provided within the available documents is high level and conceptual only at this stage. As such the following is intended to provide a range of focused and examining questions rather than a detailed analytical critique.

2 Transport Sustainability

2.1 Policy Context

2.1.1 The prevailing planning policy relating to transport and new development is focused upon achieving sustainable development and promoting travel by sustainable modes. The National Planning Policy Framework (NPPF), which is a material consideration in planning decisions, sets out in paragraph 102 a range of objectives for achieving sustainable development as follows:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.*

2.1.2 At a more local level MBC's Integrated Transport Strategy (ITS) 2011-2031 sets out a vision and priorities for transport within the borough. To achieve its vision of *"Realising Maidstone's sustainable future; connecting communities and supporting a growing economy"* the ITS identifies a number of strategic priorities as follows:

- Reduce demand for travel;

- Changing travel behaviour;
- Promote modal shift; and
- Improve network efficiency.

2.1.3 Both the Vision and Masterplan documents for the proposals set out high-level strategies for how the promoter aims to meet the above policies in terms of encouraging sustainable transport. The strategy appears to be aspirational and in concept form only at this stage, however, a number of fundamental issues are apparent which are discussed further below.

2.2 Land Use Planning Considerations

2.2.1 Fundamentally from a land use planning perspective, the location of the site is critical in terms of its inherent transport sustainability i.e. accessibility to key services/facilities and opportunities to travel by sustainable modes of travel. The location of the proposed Heathlands Garden Community is considered to be rural and relatively isolated in nature. While there are some amenities located in the nearest villages of Lenham and Charing, these are villages and will not cater for the vast majority of trips related to employment, retail (food & non-food) and leisure purposes. Such trips would therefore need to be catered for further afield, realistically in Maidstone, Ashford or beyond.

2.2.2 In terms of accessibility by sustainable transport modes, the existing provision of public transport in proximity to the site is very limited. With respect to rail, the nearest station is Lenham, approximately 2.5km from the centre of the proposed development site. Existing bus services in the vicinity of the site are limited. The only notable provision is service 10X, operated by Stagecoach, providing an hourly service between Maidstone and Ashford which routes along the A20.

2.2.3 Walking and cycling to and from the proposed site location to surrounding services and facilities are not currently considered feasible. The latest guidance from the Chartered Institute of Highways and Transportation (CIHT)¹ states “*Most people will only walk if their destination is less than a mile away*” whilst specifically relating to public transport states “*People will walk up to 800 metres to get to a railway station*”. The distance between the site and surrounding facilities therefore precludes any likelihood that these movements could be made on foot.

¹ CIHT (2015) Planning for Walking

- 2.2.4 In terms of cycling the widely recognised catchment of up to 5km would include the surrounding villages of Lenham, Harrietsham and Charing, however, there are limited routes currently available to these destinations and no specific cycle facilities provided. CIHT guidance² recommends that cycle infrastructure should be: “coherent, direct, attractive, safe, and comfortable.” The existing provision does not adhere to any of the above principles and therefore without significant improvement could not be expected to encourage cycling trips in the locality.
- 2.2.5 Secondly, from a land use planning perspective, a well-planned development with a genuine and balanced mix of land uses is critical in order to maximise the ‘internalisation’ of movements within the development and therefore minimise off-site travel impacts. For example, an effective balance between employment opportunities and appropriately priced housing in relation to that employment will increase the likelihood that some occupants will both live and work on the development site therefore eliminating the need to travel outside of the site in peak highway periods.
- 2.2.6 The current development proposals as set out in the Masterplan indicate a significant weighting towards residential land use on the site with comparatively limited levels of employment provision. Furthermore, only primary education provision is provided on the site and small-scale retail within the proposed Local Centres. As such the development will not be able to maximise its internalisation potential for trips resulting in the vast majority of trips associated with employment, retail, secondary/higher education and leisure purposes being external and having a resultant impact upon the surrounding road network. The implications of this are discussed in further detail below.

2.3 Physical Sustainable Travel Enhancement Measures

- 2.3.1 Development can overcome potential deficiencies in transport sustainability through the implementation of improvement measures both within the site and on key routes between the site and external destinations.
- 2.3.2 The ‘Vision’ and ‘Masterplan’ documents provide only a high level concept strategy for how the development envisages delivery of the overarching sustainable travel aims, primarily consisting of a network of ‘greenways’ to facilitate walking and cycling; with only some routes provided for buses. It remains unclear from the these documents whether such measures are deliverable or what level of benefits might be achieved.

² CIHT (2014) Planning for Cycling

- 2.3.3 Following the removal of the proposals for a new station on HS1, the proposed development is wholly reliant on Lenham station for services to London or other Kent towns. To facilitate this it would need to be established that Lenham station itself and the existing peak hour services can accommodate the increase in demand that may arise from the proposals.
- 2.3.4 The Masterplan makes reference to a new rail halt within the development but identifies this as a 'potential' measure rather than a firm proposal. This appears to be evidence of concern from the promoter as to the feasibility and attractiveness of rail commuters travelling via Lenham station. Were the accessibility to rail sufficient, such a facility would not be envisaged. It appears more likely that the promoter is aware of the importance of enhanced rail connectivity, but is reasonably cautious about the deliverability of a new station facility, something that will be discussed later.
- 2.3.5 However, in terms of reliance on Lenham station, no detail is provided on what route the proposed dedicated bus route will take, how it will be delivered and what enforcement measures will be implemented to ensure prioritisation of buses to encourage use. A high level review indicates that there are a number of constraints that will have to be overcome to deliver a direct and attractive link as follows:
- Bridging the Great Stour river;
 - Crossing of the mainline itself to/from the station building/car park on the northern side;
 - Third party land requirement; and
 - Appropriate turning facility for buses at Lenham station.
- 2.3.6 If a dedicated link cannot be delivered, access to the station for buses or cars would need to be taken via the A20 corridor which, as established in section 3.2 below, is anticipated to operate significantly over capacity in the absence of a new motorway junction.

- 2.3.7 Other public transport measures include suggestions of the provision of dedicated electric bus services linking the development with the surrounding rural area, which as suggested within the Masterplan, will be supported by the proposed scale of development. Whilst the scale of development could potentially ‘pump prime’ a number of new bus services it is questionable whether these services will be commercially viable in the longer term given the rural nature of the area and the limited services and facilities surrounding the site requiring trips further afield. The feasibility of electrically propelled buses, such considerable distance from any future depot/charging is also questionable. For the foreseeable future electric buses will be range restricted and dependant on charging infrastructure. Long initial and rural routing from the depot at Maidstone makes viability questionable and certainly in need of further consideration.
- 2.3.8 A key focus of the proposal appears to be based upon walking and cycling networks in and around the development. This is in accordance with latest design guidance and is considered appropriate, however, given the rural and isolated nature of the site the opportunities for meaningful modal shift to walking and cycling are considered to be low.
- 2.3.9 Reflecting on the proposed strategy as a whole it is noted that a development of this scale is likely to have a construction programme spanning circa 10-15 years post planning should it be granted. While this timescale provides opportunities for new technologies to be implemented that could significantly improve the sustainable travel credentials of the site; many of the travel trends will be established early in a development’s occupation. Even with optimistic assumptions on new technology based solutions, the Heathlands proposal would only have scope to start benefiting from these towards the end of the delivery programme. It is also acknowledged that it is difficult to predict what these innovations may be, however, the proposals do not go far enough in terms of safeguarding routes or corridors for future technologies. As such future phases of development are likely to emerge in a manner that simply reinforces and maintains the earlier, unsustainable phase(s) of development.

- 2.3.10 In summary, the proposed sustainable travel strategy has glaring omissions and/or deficiencies that lead to the conclusion that appropriate and meaningful levels of modal shift away from the private car will be impossible to achieve. The absence of a dedicated rail facility from the outset means that the development would not be attractive to rail commuters forced to cycle/bus or drive to Lenham station to interchange with rail services. A significant increase in bus service provision to Maidstone and Ashford, in the absence of convenient rail connections is not considered to be feasible or viable in the long term. Walking and cycling only have very limited modal shift potential due to the rural nature of the development site.

3 Highways impact

3.1 Overview

- 3.1.1 It is noted that the latest proposals set out in the Masterplan document indicate that the previous proposals for a new connection to the M20 motorway is no longer being considered as part of the development. This represents a significant downscaling of the supporting transport infrastructure from that previously envisaged within the Vision document and in a manner which is not proportionate to the reduction in development quanta (approx. 1000 dwellings and removal of secondary school provision).
- 3.1.2 No clear justification is provided as to why these pieces of infrastructure are no longer considered to be required to support the development. Has the decision to not pursue these significant elements of strategic transport infrastructure been led by evidence that they aren't required or have insurmountable challenges been identified which mean they are undeliverable?
- 3.1.3 As discussed below, it is clear that the original determination of need for a new junction to the M20 was sound and the rationale for no longer promoting it is a valid conclusion that it would be undeliverable. However, taken together it can only be concluded that the development more widely is therefore undeliverable.
- 3.1.4 This is because it is clear that the removal of the motorway access will result in a significant and unacceptable increase in traffic impacts on the local highway network surrounding the site. This is not only due to the fact that vehicular connection is only now possible via the A20 corridor and local rural lanes but also the removal of the rail station will make the development less attractive to London commuters; who rather than having direct access to HS1 services into London will be required to travel by car, bus or cycle to access slower mainline services from Lenham.

3.2 A20 Corridor

- 3.2.1 As set out above the proposal for a new connection to the M20 motorway is no longer being considered as part of the development. The implications of this are examined in further detail in this report, however, the absence of a new motorway connection results in the surrounding local road network, and in particular the A20 corridor, observing the full traffic impacts of the proposed development. These impacts cannot and will not be mitigated by sustainable travel alternatives for the reasons set out above.
- 3.2.2 The masterplan shows two points of vehicular connection between the development and the A20 to the north. The nature of these road connections is not yet specified, however given the scale of development proposed and nature of the existing A20 corridor it is assumed that high specification roads with a minimum of single lane operation in both directions will be required.
- 3.2.3 The A20 Ashford Road represents the main connector for local traffic between the key surrounding employment centres of Maidstone, Ashford and Canterbury via the A252; as well as providing access to surrounding local villages such as Lenham and Charing. The road is subject to a speed limit ranging between 40-60mph in this area and is a single carriageway in both directions.
- 3.2.4 The TA prepared to support the Lenham Neighbourhood Plan provides indicative traffic flows along the A20 at the eastern end of Lenham from 2018 which indicate that the corridor observes two-way traffic flows of 1,241 vehicles in a weekday AM peak hour (08:00-09:00) and 1,237 in the PM peak (17:00-18:00). Although the traffic flow directions are broadly an even split there is higher tidality towards Maidstone (58%) in the AM peak and towards Ashford/Canterbury (57%) in the PM peak.
- 3.2.5 Thus far, information submitted regarding the Heathlands proposal has lacked any indication of anticipated traffic generation. Therefore in order to evaluate this and to provide an indication of the potential traffic impacts on the A20 corridor, C&A have undertaken a high level estimation of peak hour trip generation. These, in combination with existing traffic flows on the A20 from 2018, have then been used to provide a broad assessment of forecast traffic levels against the approximate road link capacity on the A20 Ashford Road.
- 3.2.6 Based upon our experience of peak hour trip rates from comparative sites in similar locations which have been accepted by the relevant highway authorities, the following table provides a summary of the estimated peak hour vehicle trip generation of the proposed development.

Table 3.1: Proposed Development (4000 dwellings) - Indicative Peak Hour Vehicle Trip Generation

	AM Peak	PM Peak
Two-way Trip Rate (per dwelling)	0.6	0.55
Vehicle Trip Generation	2,400	2,200

- 3.2.7 These vehicular trip rates arise from surveys of sites with similar levels of access to local amenities and scope for non-car modes of travel that can be reasonably assumed to come forward at this development. It is accepted that the promoter aspires to high levels of sustainability at the development, but in the absence of any evidence of how this can be effectively delivered it is appropriate to maintain more realistic forecasts. It is important to note that a considerable proportion of peak hour demand comes from access to education and employment, both elements afforded limited provision within the development and forced on to the wider transport network and in particular the road network.
- 3.2.8 When combined with the existing traffic movements from 2018, it can pragmatically be assumed that the development proposals would give rise to two-way traffic flows in excess of 3,400–3,600 vehicles on the A20 during the highway peak hours. It should be noted, however, that this forecast excludes any background traffic growth that might be readily assumed to occur as a result of already committed local growth as well as wider strategic growth.
- 3.2.9 To put this level of traffic into context, the indicative capacity of the A20 Ashford Road corridor is considered to range between 1,200-1,500³ vehicles in each direction and therefore between 2,400-3,000 two-way. It is important to note that this is simply the theoretical maximum capacity of the carriageway of the A20 and takes no account of more constrained aspects such as junctions. This simple calculation therefore demonstrates the inadequacy of the development strategy at this scale and location, founded on a principle of access solely from the A20.
- 3.2.10 Traffic flows in the order of those conservatively estimated above could simply not be accommodated on the A20 and congestion would be exacerbated at junctions along the route such as the A20/A252 roundabout at Charing and sections of lower capacity with increased frontage activity and interactions.

³ DfT (2020) TAG Unit M3.1 Appendix D.2

- 3.2.11 Furthermore, as a significant proportion of the forecast traffic impacts will be journeys to work, the proposed development would have a wider traffic impact on the key routes towards the major employment centres surrounding the development which already suffer from peak hour congestion, in particular Maidstone and Canterbury.
- 3.2.12 Off-site traffic impacts can often be mitigated through the implementation of infrastructure improvements, typically highway capacity or sustainable transport improvements. As discussed above the current sustainable travel measures proposed are not considered to be sufficient and therefore mitigation would need to be through highway capacity improvements along the A20 corridor. Despite the apparent issues with respect to highway capacity, the proposals are silent on the need and scope for any such improvements. Much like the initially proposed M20 access junction, this is likely due to awareness of issues regarding deliverability.
- 3.2.13 Whilst the A20 corridor is generally of a good width; necessary improvements to address this extent of impact would likely include a wholesale increase to two lanes in each direction, with potential dualling. It is improbable that such improvements, which would constitute the widening of some 15km of carriageway passing through at least two villages, could be achieved without significant impact on extensive third party land, environmental constraints and certainly not without resultant impact on the scope for non-car mode use on the same corridor. The deliverability and viability challenges of such improvements are apparent and quite likely insurmountable. Indicatively, the dualling of the A21 between Tonbridge and Pembury (approx. 4km in length) was completed in 2017 at a cost of circa £70 million which highlights the considerable and unviable cost of delivering this type of development mitigation.
- 3.2.14 It is not uncommon for the strategic promotion of development sites to defer detailed consideration of highway mitigation to latter stages of promotion or application stage. This is reasonable when the mitigation is likely to form proportional capacity enhancements to, for instance, junctions. Likewise it can be tempting to defer consideration to more significant changes to latter phases of delivery. In this case the issues are so clear, likely to manifest themselves so early in any development delivery and the constraints on opportunities for mitigation so apparent that clarity on solutions are required prior to any advancements in the proposals.

- 3.2.15 The isolated nature of the development is such that any semblance of sustainability, even approaching baseline levels of acceptability, would require complete delivery of a large scale development. This leaves an inherent risk in allowing small early phases of development to come forward while deferring consideration of highway mitigation to latter stages. In the seemingly likely scenario that such mitigation is demonstrated to be undeliverable; development would be required to stop after only the earlier phases; phases which would be inherently unsustainable and with no scope to achieve any form of sustainability.
- 3.2.16 Furthermore, the traffic impact of the proposals would be far reaching due to the site's anticipated reliance on Maidstone, Ashford and Canterbury as key employment centres. The central areas and key radial routes in and out of these towns are already congested during the morning and evening peak highway periods and with limited scope for improvement due to physical land constraints. The proposed development would exacerbate these already severe issues without the ability to mitigate its impact.

3.3 Rural Lanes

- 3.3.1 Given the level of forecast traffic and potential capacity constraints on the A20 corridor and the connections to it, an inevitable consequence even in earlier phases of development would be for traffic to find alternative routes to access and egress the development via existing minor routes and rural lanes. A network of these roads exist in the proximity of the proposed site which currently provide access to Lenham Heath and the neighbouring villages and hamlets such as Lenham, Charing Heath, Sandway, Platts Heath and Harrietsham.
- 3.3.2 The nature of these rural lanes typically consist of narrow roads with no centre line markings, hedgerows or property frontages lining either side and in many places insufficient width for two vehicles to pass each other. These roads are not and can never realistically be made suitable for accommodating significant volumes of traffic.
- 3.3.3 The masterplan proposals provide no indication with regards to how access to/from these roads will be managed if the development is implemented. There is a significant risk that if the A20 corridor is heavily congested as indicated above, the rural lanes surrounding the site will be seen as a more attractive proposition resulting in significant increases in traffic flows on these routes. Given the unsuitability of these roads to accommodate this traffic, this will inevitably lead to considerable highway safety implications.

4 Development Phasing

- 4.1.1 The Masterplan document sets out an indicative phasing strategy for the delivery of the development. It is proposed to be delivered over three phases with one of the two road connections to the A20 being built in phase one and the other in phase two.
- 4.1.2 Although it is not clearly stated what quanta of development will be constructed in each phase, the images indicate that phase 1 will comprise of a sizeable proportion of the development (circa 30-40%); something that might be considered reasonably in commercial terms. This does however raise a significant concern with regards to the suitability of the proposed access strategy in terms of the quantity of development served from a single point of access.
- 4.1.3 The Kent Design Guide⁴ (KDG) is the prevailing guidance for the county in terms of design standards for development and provides specific parameters for development road types. The highest standard of road type within the KDG is a 'Local Distributor Road' which is described as follows:
1. a busy road linking other distributor roads and residential access roads, distributing traffic within the primary residential districts of a town
 2. a road type applicable to all sites on the outskirts of main towns or infill sites within existing suburban areas
 3. generally serves over 300 dwellings
 4. provides an opportunity for boulevard or avenue planting and cycleways.
 5. for new developments, direct vehicular access to dwellings would not normally be provided, the exception being shared private drives with turning within the site.
- 4.1.4 As stated above, the highest category of road serving development sites within the county, are intended to serve sites of over 300 dwellings. Although the guidance does not provide an upper value it is evident that the likely quantum of first phase development will exceed that scale several times over. Assuming the first phase will deliver 40% of the total proposed residential units, this equates to approximately 1600 dwellings being served from a single point of access. Whilst there is some evidence of KCC accepting developments being served by over 300 dwellings from a single point of access, this would be by comparably small percentage exceedances and not the over 500% exceedance suggested here.

⁴ KCC (2002) Kent Design Guide

- 4.1.5 Based upon the anticipated quanta of development in this case, even if separate and alternative routes for emergency vehicle access were provided in addition, the likely vehicular demand and long distance of this access would significantly increase the risk of obstruction and delay for road users on the access road to the extent that safe and suitable access for all road users and efficient access for goods and services would be prejudiced. As such the proposals would be contrary to paragraphs 108 and 110 of the NPPF.
- 4.1.6 Similarly, phases two and three would bring forward the remaining circa 2,400 dwellings in addition to phase one with only one further point of connection to the A20. For the reasons outlined above the proposed vehicular access strategy is considered to be totally inadequate and will give rise to unacceptable concerns with regard to road function, provision of appropriate access and highway safety.

5 Rail Crossings

- 5.1.1 It is noted that the proposed vehicular accesses to the development require the crossing of the mainline railway and the Masterplan document suggests that the crossings are feasible in multiple locations. Further detail with regards to the structures required to bridge the railway line and the specific locations of the crossings are not provided, so there is reasonable doubt as to their deliverability in engineering terms.
- 5.1.2 However a more pressing concern at this stage is one of legal rights, costs and therefore financial viability. As is well known to anyone experienced in promoting large strategic developments that involve railway crossings, there can be no presumption that 'air rights' to the cross the railway will be provided by Network Rail and in the vast majority of cases, certainly not without the commercial involvement of Network Rail. Network Rail consider the granting of rights to cross the railway line in a manner commensurate with any other crossing/acquisition of third-party land to secure access. Except where a strategic case can be made to justify the necessary infrastructure, Network Rail will generally evaluate 'value' of the rights on a commercial basis. As such, where the rights would be afforded for the sole benefit of delivering development on a commercial basis and to the financial benefit of a land owner and developer, Network Rail will generally adopt the conventional position set out in legal precedent associated with control of a 'ransom strip'. It is beyond the scope of this report to reach a legal opinion on the likely financial and viability implications of this; but it is sufficient to say that it is potentially a significantly prejudicial cost.

- 5.1.3 It is quite evident that the proposed points of access to the development represent no strategic highway value. They provide no material benefit to the operation of the rail network and will be seen by Network Rail to present only an added risk to their operations. Finally, while the development site has some alternative connectivity to the local highway network and some degree of very limited development access might be achievable from the rural road network, the vast majority of any development would be dependent on the rail crossing access and would therefore likely be held to a ransom for that level of the development.
- 5.1.4 Furthermore, engagement with Network Rail is typically onerous and protracted with strict processes (e.g. Basic Asset Protection Agreement (BAPA)) to be followed and very early programming required with respect to line closures and occupations for construction, even if the commercial implications could be overcome. There is no evidence that the promoter has engaged with Network Rail at this stage or that they are even fully aware of constraints and the impact on viability that arises from a scheme based almost entirely on rail crossings.

6 New Motorway Junction

- 6.1.1 Although the current proposals no longer include a new motorway junction it is noted from the Masterplan document that a future site for such a junction will be safeguarded if required in the future. It is unclear why this safeguarded site is shown within the plans, however it carries the implication that the promoter is aware that the proposed vehicular access strategy via the A20 corridor is inadequate. Something which would be consistent with the findings of this report and the assessment set out above.
- 6.1.2 Therefore, while it may not be currently proposed it seems inevitable that reconsideration will need to be given to it in due course and therefore there is merit in considering the feasibility of delivering it.
- 6.1.3 In policy terms DfT Circular 02/2013⁵ sets out a framework for the interaction between Highways England (HE) and the development industry with respect to accessing the strategic road network (SRN). The Circular identifies the context and requirements for the provision of a new access to the SRN. Specifically, the policy states that new junctions or direct means of access to the SRN will only be acceptable where a strategic case can be made for the new infrastructure.

⁵ DfT (2013), Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development

- 6.1.4 Where the strategic growth test cannot be met no new access to the SRN will be allowed other than for specific uses such as motorway service areas, maintenance compounds and in exceptional circumstances major transport interchanges.
- 6.1.5 From a review of recent examples of planned or delivered new accesses to the SRN and the experience of the authors in dealing with HE on similar matters, there is an established precedent for what constitutes a strategic case. For infrastructure to be considered of strategic value it will generally need to facilitate the delivery of circa 10,000 or more dwellings. A recent and local example of this would be the delivery of M20 J10a for the wider purposes of the delivery of Ashford Local Plan growth. Alternative and complementary strategic justifications for new junctions would include the delivery of other strategic or major road connections e.g. the Lower Thames Crossing.
- 6.1.6 Considering the proposed development in this context it is apparent that the Heathlands Garden Community does not meet the requirements previously applied by HE to meet the strategic growth test. Likewise there is not evidence to suggest that a new junction in this location, serving as a connection to the A20 corridor, could be considered to perform a necessary strategic function as it carries predominantly local traffic, runs effectively parallel to the SRN and fundamentally was de-trunked following the development of the M20. Accordingly, any new junction to the motorway here would clearly be for the sole purposes of accessing a single development site and not one of sufficient scale to satisfy the test of its strategic significance.
- 6.1.7 Notwithstanding the above, the approximate location of the potential motorway junction brings some significant challenges from an engineering standpoint. In particular the presence of the HS1 railway line approximately 100-150m to the north and east of the motorway would potentially require some steep gradients on the slip roads and connecting road into the site in order to provide appropriate clearance over the railway. It is not clear that a standards compliant junction can be provided at this location considering the constraints that exist and one that can be would likely be very expensive to deliver.
- 6.1.8 It is likely that the promoters of Heathlands have, latterly, reached the same conclusion hence the removal of the motorway junction proposals. However, the promotion document is not explicit in this regard and unreasonably retains reference to it as a potential measure in the future. In practice, this is because the promoters are likely well aware that a motorway junction would be necessary to overcome traffic capacity issues on the A20 and potentially also to overcome the issue of ransom over the railway line; but are equally aware that it is undeliverable. In this respect, the proposals lack transparency.

7 New Rail Halt

- 7.1.1 The Masterplan document refers to a 'potential' new rail halt within the proposed development. As previously discussed the Vision document identified the delivery of new station on the HS1 line, something which is no longer being considered. In practice, despite the historic promises of a new High Speed line station and even the potential for new mainline rail halts, the actual strategy with regards to rail is to provide improved connections to Lenham station only.
- 7.1.2 The changing proposals and terminology used in identifying new rail infrastructure as 'potential' does not present a clear strategy with regards to rail travel for future residents of the proposals. The potential demand for rail from the proposed development needs to be clearly established and considered against the forecast capacity at Lenham station.
- 7.1.3 It is noted that the Deliverability and Viability Assessment report by Stantec states that the requirement for a dedicated rail station facility within the development site is considered fundamental and that this should be in place from the outset to encourage and ingrain sustainable travel behaviour. This view is supported by the high level traffic impact assessment set out in Section 3.2 of this report and the challenges in delivering appropriate off-site highway capacity as mitigation.
- 7.1.4 It is not evident that a new station facility in this location would be acceptable given the proximity to existing stations at Lenham and Charing; and if so would potentially act as a replacement of these existing and important facilities to the surrounding communities.
- 7.1.5 It is understood that no engagement has taken place between the scheme promoters and Network Rail with regards to the feasibility of the proposals and therefore it can be robustly assumed that the proposed station is very much at the concept stage only. From experience at other locations where new rail stations are proposed, it is apparent that the typical timescales between conception and the opening of a station are very protracted and involve the completion of a number of gateways to gain technical approval from Network Rail. A relatively close example is that of the Thanet Parkway proposal which was put forward in 2010 and is still yet to be delivered.

- 7.1.6 The development and ultimate implementation of new rail station proposals are governed by Network Rail's Governance for Railway Investment Projects (GRIP) process which comprises 8 stages which span from 'Output definition' to 'Project Close Out'. Each of the 8 stages require specific outputs to be prepared and agreed, known as products, and can take a considerable amount of time to be fully approved. For example, it is understood that the prior notice period for rail line closures for construction is generally a minimum of two years and more often longer for more major works and protracted builds.
- 7.1.7 Given the timescales involved in designing and subsequently implementing a new rail station, it might be considered optimistic to assume that this could be brought in to use even before completion of the development, assuming say a 15 year build-out. This would be materially very different to delivery prior to initial occupation.
- 7.1.8 No detail is provided in the Masterplan document with respect to the specific railway halt proposal. A rail halt, although not a term commonly used for new rail infrastructure, is effectively a rail station with limited facilities, typically unmanned and historically were only request stops in some cases. No justification is provided as to why a halt is potentially proposed as opposed to a station facility. Furthermore, it is unclear whether a halt facility would appropriately cater for disabled users boarding and alighting trains. Significant further details and justification are required with regards the appropriateness of the facility and why a typical station facility would not be delivered.

8 Conclusions

- 8.1.1 The site is located in an inherently unsustainable location with regards to access to necessary employment, goods, services and sustainable modes of transport. The proposed sustainable travel strategy is considered inadequate in order to overcome these deficiencies.
- 8.1.2 In the absence of a new motorway junction the traffic impacts of the development on the A20 corridor and surrounding rural lanes would be severe and appropriate mitigation is considered to be undeliverable and financially unviable.
- 8.1.3 The proposed vehicular access strategy is inadequate in terms of the quantum of development served from two points of access in accordance with relevant KCC design guidance. Furthermore, the requirement to cross the mainline railway could result in the proposed vehicular connections also being financially unviable given the scope for third party ransom and the inherent complexities of building over a railway line to establish any access.

- 8.1.4 This report finds that the promoters identification of the need for a new motorway junction has merit and such levels of highway intervention remain necessary; however, the proposals have seemingly been removed as a result of the quite apparent undeliverability of this infrastructure.
- 8.1.5 A dedicated rail station facility is required from the outset to enhance rail connectivity and ingrain sustainable travel behaviour and again, it appears that the promoters were aware of this need but have stepped back from clearly providing it due to quite reasonable concerns over deliverability.
- 8.1.6 In the absence of a new motorway junction and rail station facility the proposed development is unsustainable, undeliverable and would result in insurmountably severe impacts on the surrounding highway network.

Appendix C

VISUAL IMPACT ON KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) REPORT

Submitted for Regulation 19

1 December 2021

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Study into the visibility of the Heathlands Garden Community Scheme (Policy LPRSP4(A)) and potential impact on the North Downs Area of Outstanding Natural Beauty (AONB).

Conclusion

We conclude that the Heathlands Garden Settlement, as submitted for the Regulation 19 consultation will be significantly visible from the AONB and will have a detrimental impact on the location from a visual and actual perspective. The Heathland proposal fails to follow the clear principles given in the National Planning Policy Framework/Guidance, and those which are stated in the Kent Downs Area of Outstanding Natural Beauty Management Plans.

Introduction

The land to the north of the A20, in the Lenham area, comprises the North Downs Area Of Outstanding Natural Beauty (Appendix C). It is a significant landscape that commands extensive views across a wide area and is, itself, visible from many areas to the south ('the setting'). The significance of the area is recognised by its national status and this is further referenced and acknowledged by Maidstone Borough Council within its current adopted Local Plan (2017).

Specific relevant policies with regards to visual impact are referenced at Appendix A. These are the policies which Maidstone Borough Council currently adopt as part of its Local Plan.

Visual impact on the AONB and its surrounding area is covered by specific policies which focus upon the value of the landscape for well-being/recreation, heritage and the preservation of habitats and biodiversity.

'Designation as an AONB confers the highest level of landscape protection' (Local Plan 2017 para 4.106).

The Local Plan (2017) clearly references that the setting of the AONB also includes 'broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that'. It makes it clear that 'it is not formally defined or indicated on a map' (Local Plan 4.107).

Proposed policies with regards to Garden Community settlements, contained within the Regulation 19 Consultation, appear contradictory to those that exist within the current Local Plan. Little explanation has been given with regards to why current policies covering the AONB, Countryside and the Rural setting are now being seemingly ignored with regards to development in the Lenham area. And yet many (if not all) of these protective policies are being ratified, once more, for inclusion within the next Local Plan. We reference proposed policies for rural areas in Appendix B. The Lenham District area is rural and requires protection from excessive development. The proposed Local Plan contains significant policies but it endeavours to distinguish that area which is proposed as the 'Heathlands' Garden Settlement, on the basis that it is not rural, or doesn't warrant that status any longer. This is contradictory and without explanation and we object to this proposed reclassification. Maidstone Borough Council in its own submissions at p.98 of the draft plan affirms that 'The countryside has an intrinsic rural character and beauty that should be conserved and protected for its own sake'. We fail to understand how the area that is proposed for Heathlands can be overlooked from this clear objective. To deny a substantial proportion of the Lenham Parish the status of 'rural' overlooks all of its key attributes and in particular has no regard to the Neighbourhood Plan.

We reference the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019, to which Maidstone Borough Council appear as a signatory (Appendix E). The Council's further commitment to this agreement was ratified in April 2021, when the new plan was approved for adoption by the STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE. In these

undertakings various pledges are made, and we are of the opinion that 'Heathlands' represents a direct threat to many of the principles and policies that are stated in the plan and to which Maidstone Borough Council has acknowledged that it will protect and uphold.

The regulation 19 submissions, fail to address what appears to be a clear contradiction between the preservation of the AONB and the Heathlands proposal. On this basis alone the Heathlands Policy is unsound, failing to address most of the objectives which are summarised below:

Page 5 *'The ultimate goal of the Management Plan remains to ensure that the natural beauty of the landscape and vitality of the communities of the Kent Downs AONB are recognised, valued and strengthened well into the future. We seek to do this in a way which enhances health and well-being and supports much needed sustainable growth and development'*.

Page 11 of the plan states that the AONB status *'is primarily to conserve and enhance natural beauty'*.

The forecast increase in population from Heathlands, associated massing of housing and employment land on areas which are effectively contiguous with the AONB will be damaging. Aside from the risks associated with the close proximity, the creation of 'rat running' and additional use of historic roads and byeways poses a serious issue.

National Planning Policy guidance sets the criteria and we reference section 15 at page 50. The Heathlands policy runs contrary to the guidance. We quote paragraphs 174, 175 & 176 but in particular para 177:

'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

National Planning Guidance is also specific on policies concerning 'the setting' and we argue that these principles are a significant factor against the Heathlands proposal: *'Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account'*. Paragraph: 042 Reference ID: 8-042-20190721 Revision date: 21 07 2019

The views from the AONB at Lenham are exceptional and acknowledged widely as 'precious' and the landscape in the surrounding area is complimentary.

These guiding principles are further enhanced within the Kent Downs Area of Outstanding Natural Beauty Management Plan (2021-2026) which we understand is a material consideration. We reference policies SD1 to SD12. Noting particularly:

SD8 - "Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."

SD12 - "Transport and infrastructure schemes are expected to avoid the Kent Downs AONB as far as practicable. Essential developments will be expected to fit unobtrusively into the landscape, respect landscape character, be mitigated by sympathetic landscape and design measures and provide environmental compensation by benefits to natural beauty elsewhere in the AONB."

We note the Barton Wilmore 'Landscape & Visual Appraisal Scheme' dated August 2021.

Fundamentally, we disagree with the conclusions. The system for Landscape capacity rating is noted. Our rating assessment is high on all counts. We conclude that the landscape will be highly sensitive to change.

Landscape character: Lenham and the surrounding area is representative of Kent and this authenticity is widely publicised. The settlements that underlie the North Downs are predominantly based upon ancient patterns, locations and land uses with a distinctive character. The lower escarpment of the North Downs merges imperceptibly with the lower landscape and this visual form continues across to the Greensand Ridge and beyond without significant variation. We are concerned that the photographic evidence from Barton Wilmore uses 'wide angle' images which acts to distort and change the true views that they are endeavouring to represent. The images enhance the foreground and reduce the background. These images are not representative, especially with regards to the limited examples that have been taken from the AONB. Our submitted images below are more representative of what can be seen.

Table - Broad criteria for landscape capacity contributory ratings showing criteria:

	Landscape Character Sensitivity	Visual Sensitivity	Landscape Value
High	The characteristics and features of the landscape are in good condition and/or are strongly representative of distinctive local character.	Landscape area is generally openly visible (limited enclosure from landform and vegetation). High number of receptors whose attention is focused on appreciation of the landscape. There is limited scope for mitigation in keeping with landscape character.	Landscape area of distinctive components and characteristics which may also be nationally designated for scenic beauty.

The landscape between Lenham and Charing is rural and agricultural land uses prevail. That is the landscape character which is distinct by way of its visual form and the views from the AONB allow for that landscape to be fully appreciated. It is distinctly a landscape which leads down (in stages) towards the Weald. The views from the lower levels and back towards the North Downs are also distinctive and not least as the well-known feature variously described as 'The Cross' is visible in many locations and from some significant distances. This is a distinct feature in itself with historic connections and representative of not only the area but the communities that live in the local and wider parishes. You will know that this is a distinct area when you see 'The Cross' and it does have similar reverence to other national features known as 'Chalk Hillside Carvings'. These features are referenced in Appendix E.

Visible Sensitivity: We argue that the massing of development will be visually sensitive. The revised Masterplan as submitted cannot be acceptable and the mitigation appears to be fundamentally undermined by the proposed revisions. The mitigation proposed by Barton Wilmore in its conclusions fails to acknowledge that the mere act of moving a substantial proportion of the scheme further north and to a position that is effectively contiguous with the AONB is in itself a damaging addition. This is counterproductive. The topography of the landscape (with higher ground within the AONB) results in this action merely moving the massing of housing and employment land into a position which will inevitably be more sensitive with the AONB. At these closer locations, the topography will be a hindrance to the mitigation of landscaping and screening.

The village of Lenham, when viewed from the AONB has a length of 1.47 kilometres. The development site for Heathlands (that is visible from the AONB), has a length of 3.22 kilometres. We estimate that the distance between the Heathlands development site and the Lenham Village will be a mere 0.47 kilometres and that from the AONB, this 'gap' will be hard to distinguish. This will be particularly apparent in the areas which are north of the rail line. Landscaping and tree screening will have some impact, but there will be no doubt that the village of Lenham will have been effectively extended along the A20 for a considerable distance. Heathlands will be substantially bigger than

Lenham and this cannot be completely hidden. We estimate that the Heathlands proposal will extend the effective boundary of Lenham to create a massed area with a distance of 4.39 kilometres (when measured on an East/West line).

Landscape Value: We conclude that this area is distinctive. If the AONB is designated for its national significance, and it is acknowledged that the AONB includes its setting, then the proposed development site cannot be dismissed as having low or medium impact.

Quoting from the Lenham Neighbourhood Plan at page 5:

'Lenham Parish is a very special place. Geographically, the Parish is of roughly square shape and extends to approximately 5km east-west and 5km north-south, and largely comprises high quality rural landscape, being roughly equidistant between Faversham, Ashford, Headcorn and Maidstone, being approximately 15km from each of these locations, which means Lenham Parish has been able to maintain its distinct rural character. The Parish also is seen to be located at the centre of Kent when looked at in the context of the county as a whole. This includes the fact that the Parish is the source of two of the county's most important rivers; the Stour and the Len, with the former heading east from the Parish and the latter heading west. The Parish of Lenham can reasonably be considered to be located at the heart of Kent, with the spine of the Kent Downs Area of Outstanding Natural Beauty (AONB) being an integral part of the Parish.'

The major settlement of the Parish, Lenham village, has the only working medieval village square in Kent, which has remained without significant change to the enclosing buildings since the 16th century. As well as the more rural Conservation Areas, the centre of Lenham village has been designated a Conservation Area. The Conservation area contains Two Grade I listed buildings, three Grade II buildings and 67 Grade II buildings. The village has a defined settlement boundary which is being re-defined under this Neighbourhood Plan. There is a presumption against development outside such boundaries. There are two larger hamlets namely Lenham Heath and Platts Heath which are both located in the southern part of the Parish, and the three smaller hamlets of Warren Street, Sandway and Woodside Green.*

The Parish historically has included east-west routes including from London to the continent and the Pilgrims Way (North Downs Way). This pattern continues to this day, and the Parish is now crossed east-west by the A20, the M20, the mainline railway and the HS1 Channel Tunnel Rail Link (CTRL), all of which run approximately parallel to, and south of, the Kent Downs AONB. The Parish in many ways has a straightforward land use pattern to a large extent defined by the above landscape and infrastructure.

The area to the north of the A20 forms part of the Kent Downs AONB, while the area immediately south of the A20, to the east of Lenham village, provides the setting of the AONB and is a very attractive area of open countryside. The area to the south of the mainline railway, to the east of Lenham village, lies in an area of more intricate but still very attractive scenery, including areas of woodland, agricultural fields and the hamlets of Lenham Heath, Sandway and Platts Heath.'

Content

To arrive at our conclusion, the area has been divided along an east/west line using Forstal Road and Rayners Hill as the reference point. These are marked on diagram 1.

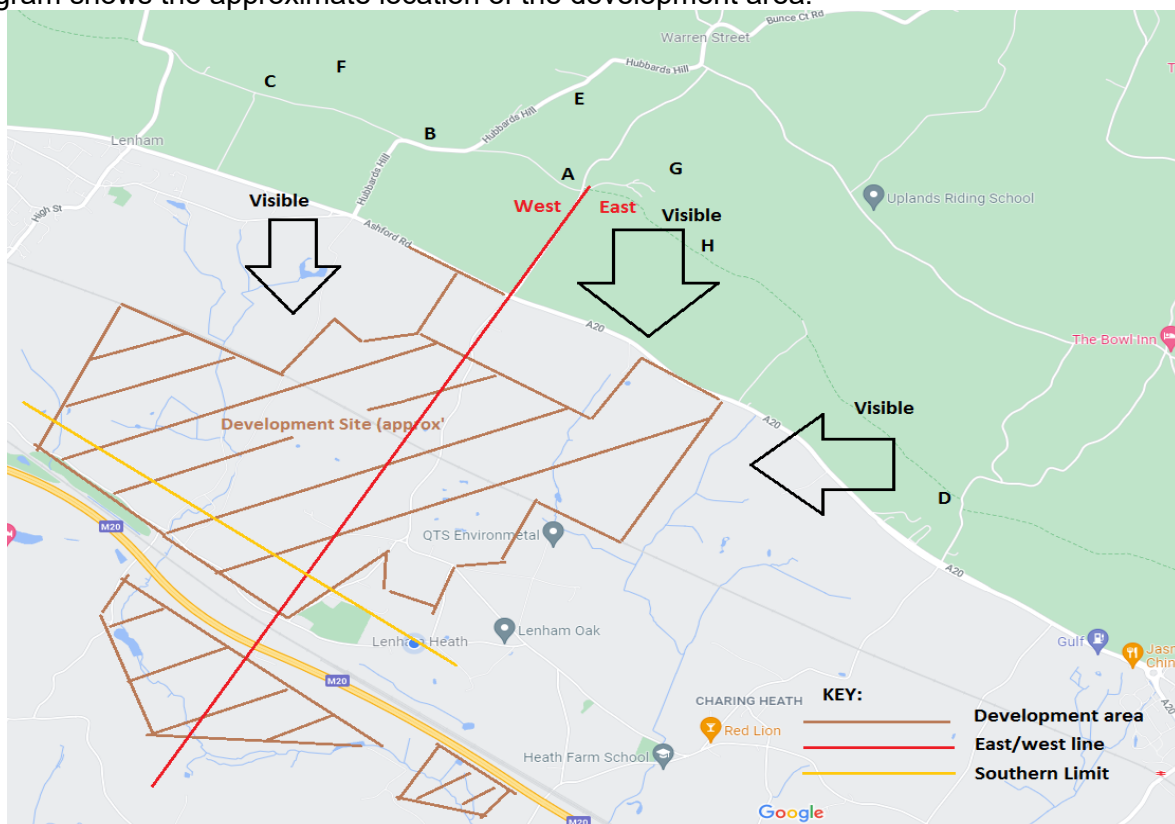
Diagram 1 shows an orange line which is highlighted as the 'southern limit'. This acknowledges that on account of the topography, areas to the south of the scheme will not be visible from the AONB. We have indicated the approximate directions from where the scheme will be distinctly visible. From the AONB, a view of the scheme will be unavoidable with distinct views from the North, North East, East and North West.

The promoter of the Heathlands proposal (Homes England & Maidstone Borough Council) has provided very little detail with regards to how it intends to protect the landscape and visual impact on the AONB. It is assumed that the promoter will have acknowledged the risks posed to the AONB and the surrounding area and given the Borough Council's commitments to preserving the 'Rural Setting' it is disappointing that this has been overlooked. Public support from the local community is a key element for any promoter and most important if that promoter is in fact a Borough Council. Failing to assure the local community with regards to its intended actions only increases local resentment and will hinder deliverability. It appears that design codes are reserved and will be revealed at some stage in the future. For such a significant strategic site we would have expected that more regard should be had to the design and scale of the site and buildings at the consultation stage. Inconsistencies appear in the submitted documents. Some of the plans, commentary and artists impressions reference commercial buildings and flats which could have relatively significant heights. Without clear guidance on building heights for this area and the wider scheme we are unconvinced that the AONB can be protected.

For these reasons we contend that policy LPRSP4(A) 'Heathlands' is unsound as it fails to offer protection for the AONB and the surrounding area. There is a distinct contradiction with policies which are set to preserve the environment and there is no clear case that justifies such a deviation from pre-existing policies.

Diagram 1- Summary Of Visibility

Diagram 1 below summarises the 'east/west' division of the scheme along Forstal Road. The diagram shows the approximate location of the development area.



Points marked A-H represent the locations where photographs were taken and are used as reference points in the following sections.

Diagram 2 – Site Layout in Detail

Diagram 2 shows the promoters detailed plan of the scheme. The east/west dividing line has been added to show the scale of the development either side of the dividing boundary line. The yellow line marks the approximate location of the AONB. It is clear in places that the development area is effectively contiguous with the AONB at two locations. The current proposal represents a significant change from that which was originally proposed, with much more of the site being located in a position that is much closer to the AONB. All parties will agree that this is a riskier strategy given the likely conflicts between preserving the AONB and promoting a development site for some 5,000 houses and employment land. However, the proposal has been thwarted with a number of significant challenges and it appears that this push further north is the only possible solution which the promoter could submit, as options have dwindled.

Diagram 2 showing the extent of the development and the position of the AONB.



SPECIFIC LOCATIONS AND VISUAL IMPACTS

Eastern Area: comprising views from the AONB taken from the Pilgrims Way and from the direction of Charing. This is represented from points D & G on diagram 1.

Photo A: Looking Southwest from point D showing Solar Farm in the distance and the Brett Quarry on Forstal Road. The area shaded white will be the easterly end of the development site.



Photo B: Looking towards Bull Hill from point D showing fields along Forstal Road where housing is planned (marked in white under windmill). The north facing escarpment of the Brett's Quarry is clearly visible (highlighted in white). Buildings at the Rose Lane Industrial Estate are also visible.

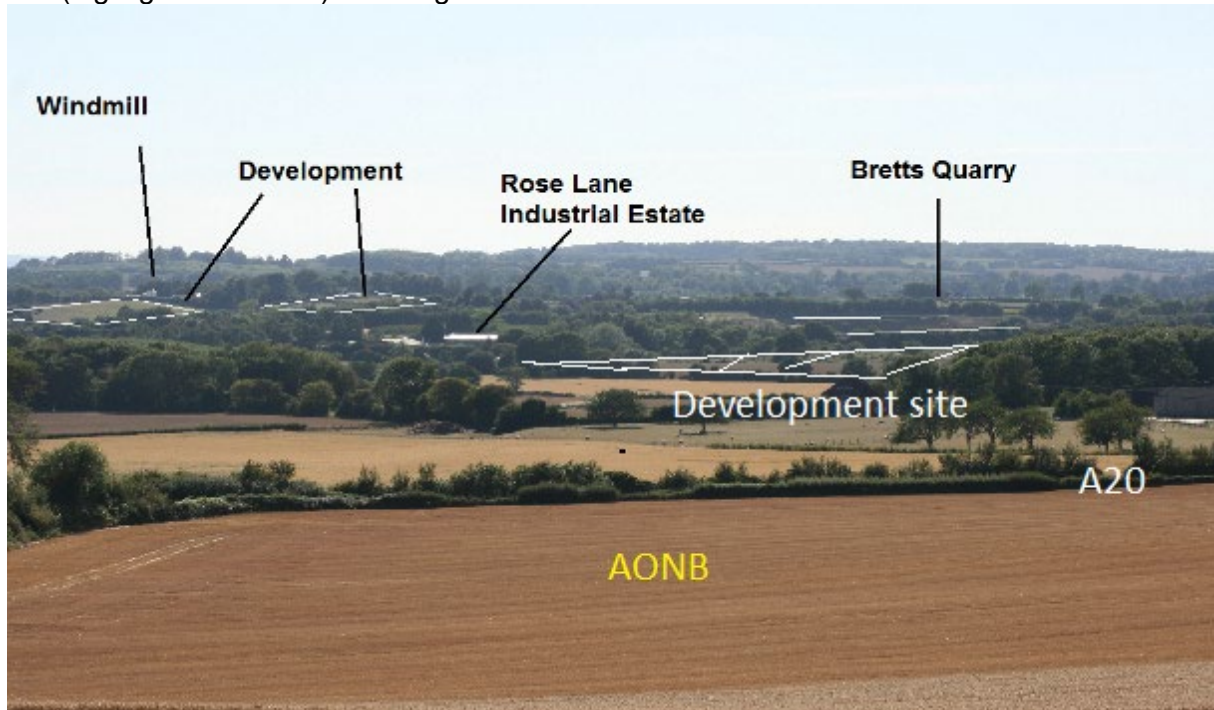


Photo C: Looking at the eastern extreme of the scheme from point D with development areas on the Bull Hill slopes (marked in white). The photograph also shows the eastern corner which is to the north of the railway line.



It is to be expected that the proposed scheme will result in some changes to the tree cover but it is not clear as to how high the proposed buildings will be in this area. By way of example, the two/three storey buildings in the Rose Lane area can be seen clearly (as marked). With the prospect of the scheme containing flats/apartment types of dwellings and commercial property, there remains a risk that the scheme will be significantly visible.

Photo D: View from Point D looking east along the A20. Development area is at the eastern end of the scheme with further areas beyond. Edge of the AONB is highlighted in yellow.



Photo E: Photograph taken from point H and looking south towards the eastern end of the development site. The extent of the AONB is also highlighted and the two areas are contiguous along the A20. There is potential for masking via landscaping and tree planting but we would argue that the extent is too wide to be completely effective especially given the prospect some buildings will be high with tall ridge lines and eaves heights. Note how obvious the farm building is when viewed from the AONB (even on a grey day).



The location of the photograph is highlighted below.



The landscape profile is shown below. We estimate that a distance 0.75km of the development site is visible. Landscaping and tree cover may provide some masking immediately around the buildings but the height and depth of vision is unlikely to allow for complete cover.

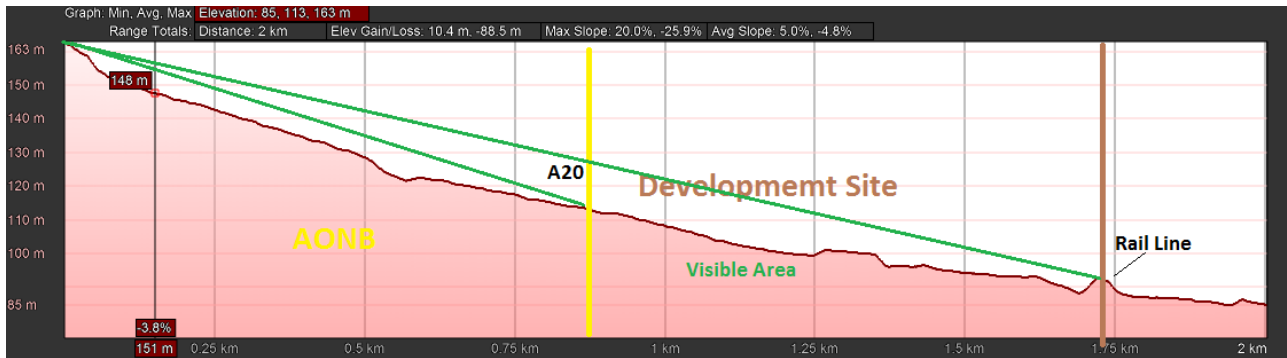


Photo F: Photograph of area just to the east of Forstal Road from point G which is within the AONB (Cherry Downs). The Development site (between the white lines) is very visible from this location. The extent of the AONB is marked in yellow and we have also highlighted the rail line.



The diagram below indicates the approximate location of where the photograph was taken and the white arrow gives the direction. The boundary of the development site appears to coincide with the field boundary which we have marked in white and is at the northern extent.



The following cross section highlights the visible area. At the periphery of the development site, the height difference is approaching 15 meters. Whilst some landscaping may be able to break up the peripheral view at the boundary, buildings over 6 meters towards the rear of the site will project above a reasonable limit and be clearly visible from the AONB. To cover the ground at approximately half way across the development site, a tree standing at the boundary would have to be circa 35 meters high. Whilst landscaping across the site could mask some of this impact, the tree cover will have to be particularly intense and the height very substantial, especially if buildings are commercial or industrial with high ridge lines and eaves heights. In our opinion it will be impossible to balance masking and cover with the development densities which are stated in the viability appraisal.

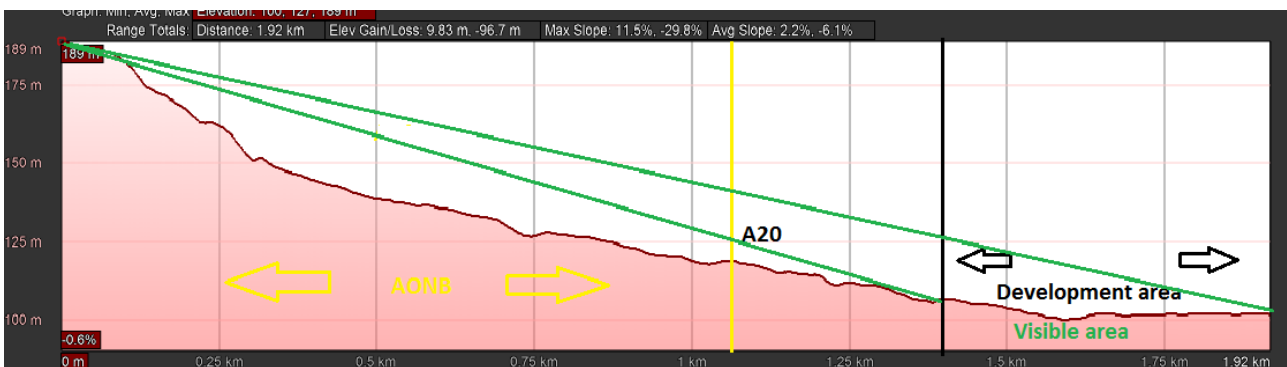
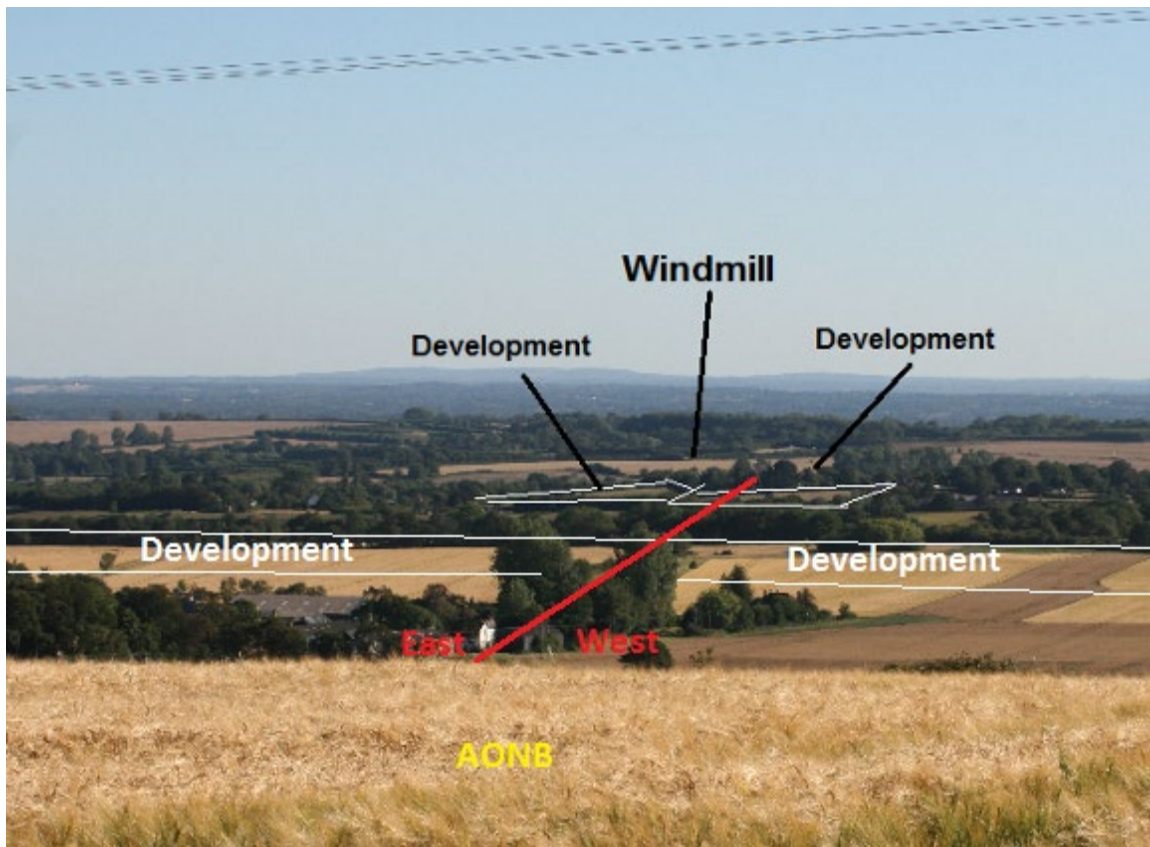
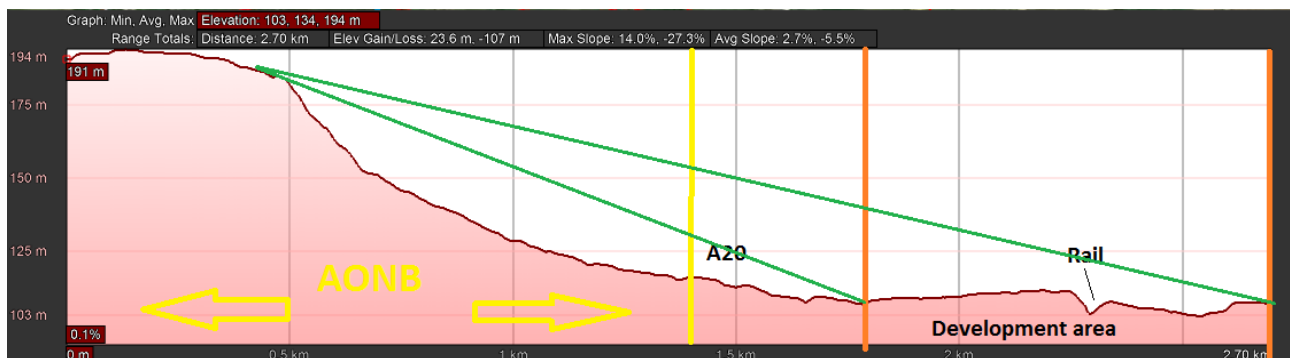


Photo G. Taken from point E. Looking at the foreground between the Rail line and the A20 (around Forstal Road). And noting the windmill area and the two visible development areas.



Cross Section of topography for photo G - from point E to Bull Hill (Windmill)



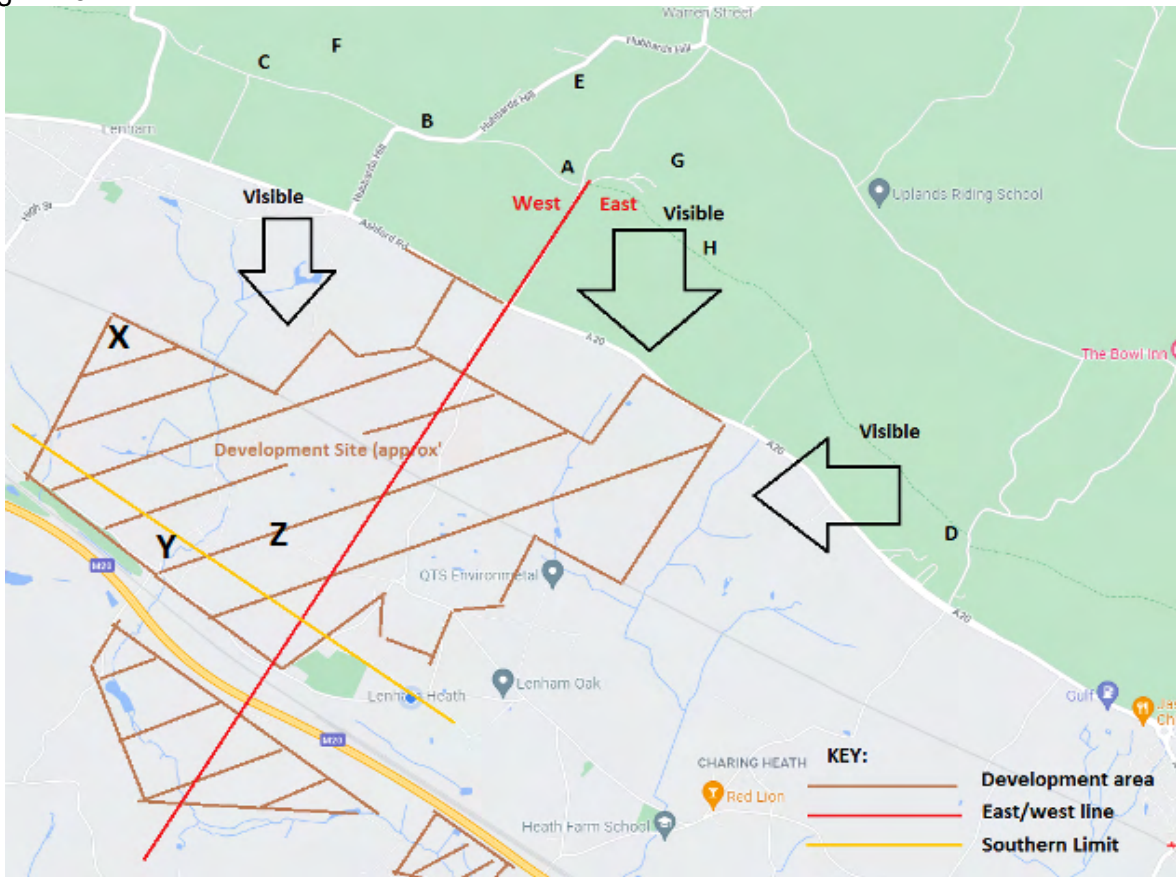
One of the main access roads is immediately on the opposite side from the AONB and is estimated to be in this area. Our cross section is of the development site ignoring the access road. The diagram shows that a kilometre of the development site is within view. The escapement in this area is particularly high and we estimate that a tree on the periphery of the site boundary would have to be 40 meters in height. This ignores the heights of buildings in this area which we understand will include both residential and commercial uses. Whilst we accept that landscaping and tree planting will provide cover, it will not be complete and the development will be visible from the AONB.

Photo H - Photograph taken from Point A. Photo to show nature of landscape in the AONB (North of A20) and the similar landscape beyond (including the area proposed for Heathlands).



Western area: Areas of the proposed Heathlands scheme which are to the west of the dividing line (Diagram 4). Comprising views from the AONB taken from the Pilgrims Way and from the direction of Lenham. This is represented from point A, B, C & F.

Diagram 3 -



Points X,Y & Z are photo references.

Photo I Photograph taken from point A looking towards point Z. Showing close proximity of the development area to AONB and the approximate location of access road (blue).



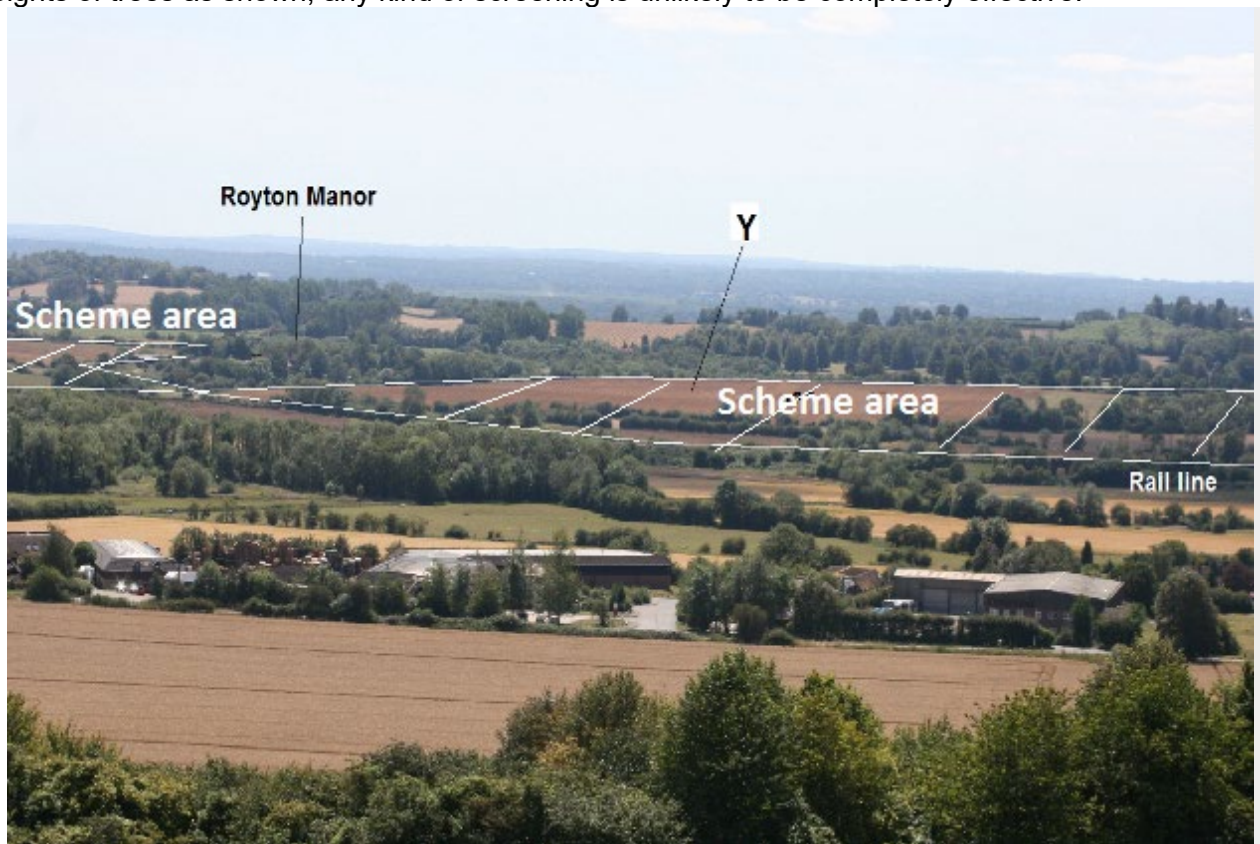
Photo J – taken from point B and looking towards Royton Manor. Chapel field East is to the left and Chapel Field West is on the right. Most notably there is a significant proportion of the development site that is visible to the north (Development areas). You can use the reference point of the tree along the A20 (which is very substantial). We would conclude from this reference point that screening would not be completely effective.



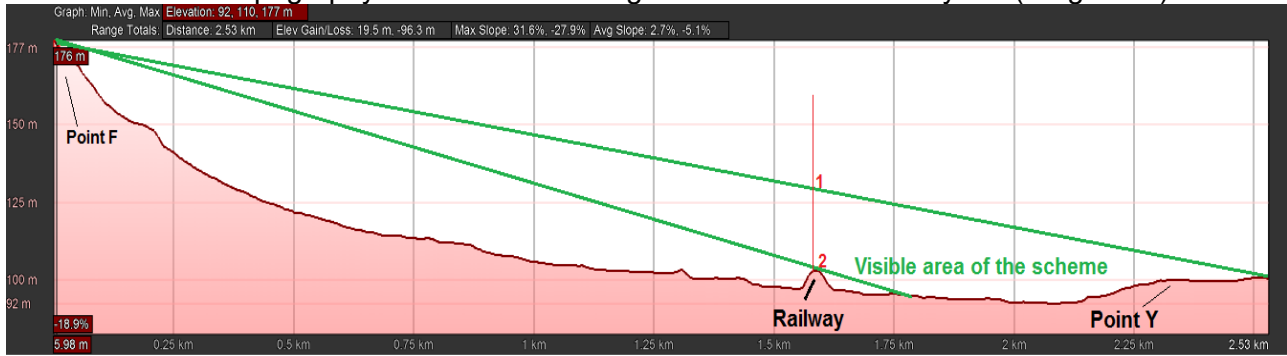
Photo K – taken from point F and showing development area from Forstal Road towards western end (north of rail line). Area is clearly visible from the AONB.



Photo L– Photograph from point F showing area to the west of Royton Manor (Reference Y on Diagram 3). Area of scheme is between the white lines. These are significant areas and given the heights of trees as shown, any kind of screening is unlikely to be completely effective.



Cross Section of topography for Photo L showing area to Point Y and beyond (Diagram 3).



The visible area of the scheme runs from just behind the elevated railway line to Lenham Heath Road. The visible area of the scheme is 0.95km in length. Point F is at 177 meters above sea level with the railway line and Lenham Heath Road at between 100 – 110 meters. Using the railway line as a point of reference and measuring the vertical height between the nearest and further points (1&2) the difference is 25 meters. That is significantly higher than any mature trees in this area (excepting Chilston Park) and certainly much higher than any tree that would be desirable within a housing area. These areas of the development scheme are sloping gently downwards into a lower area and towards the AONB. These are in effect exposed slopes. It would be almost impossible to screen this substantial area from the AONB and it will have a significant visual impact. The challenge will of course be greater once the full extent of building heights is revealed.

Photo M– Photograph from point F showing western end of the scheme (Reference X on Diagram 3). Area of scheme is between the white lines. Note close proximity to ancient woodland.

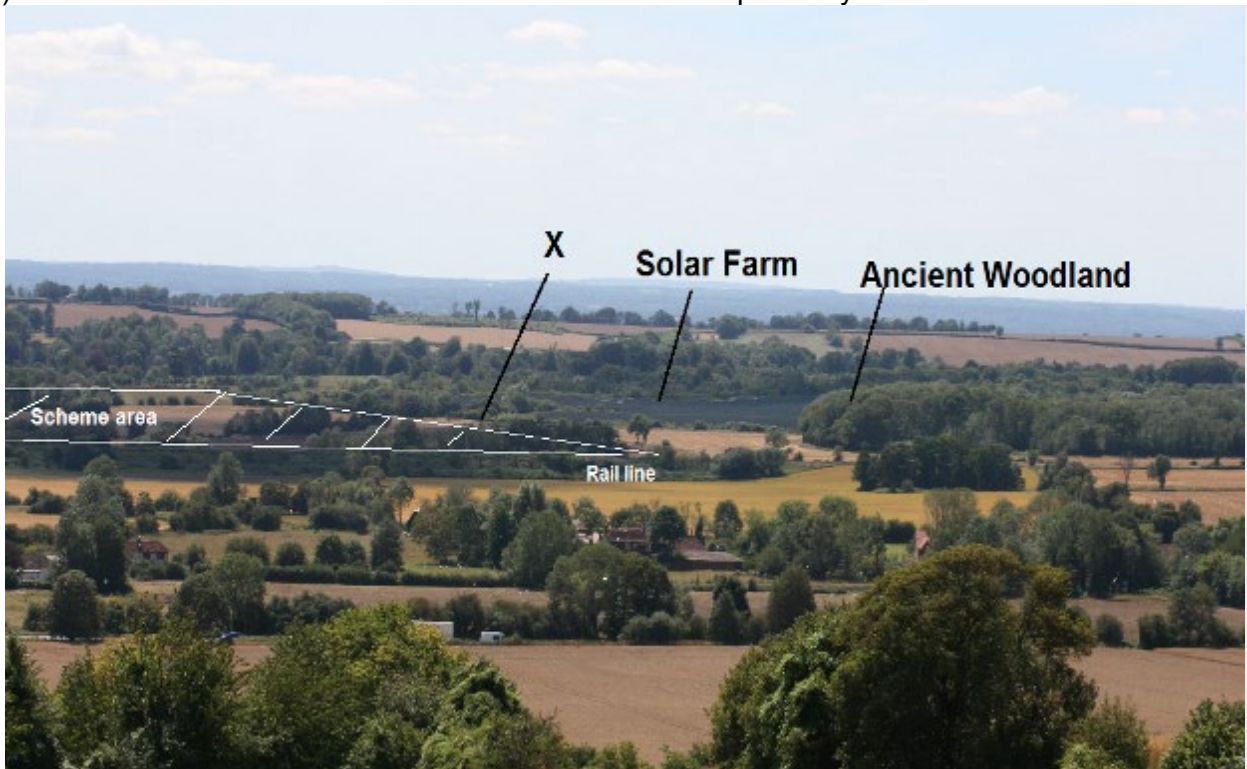
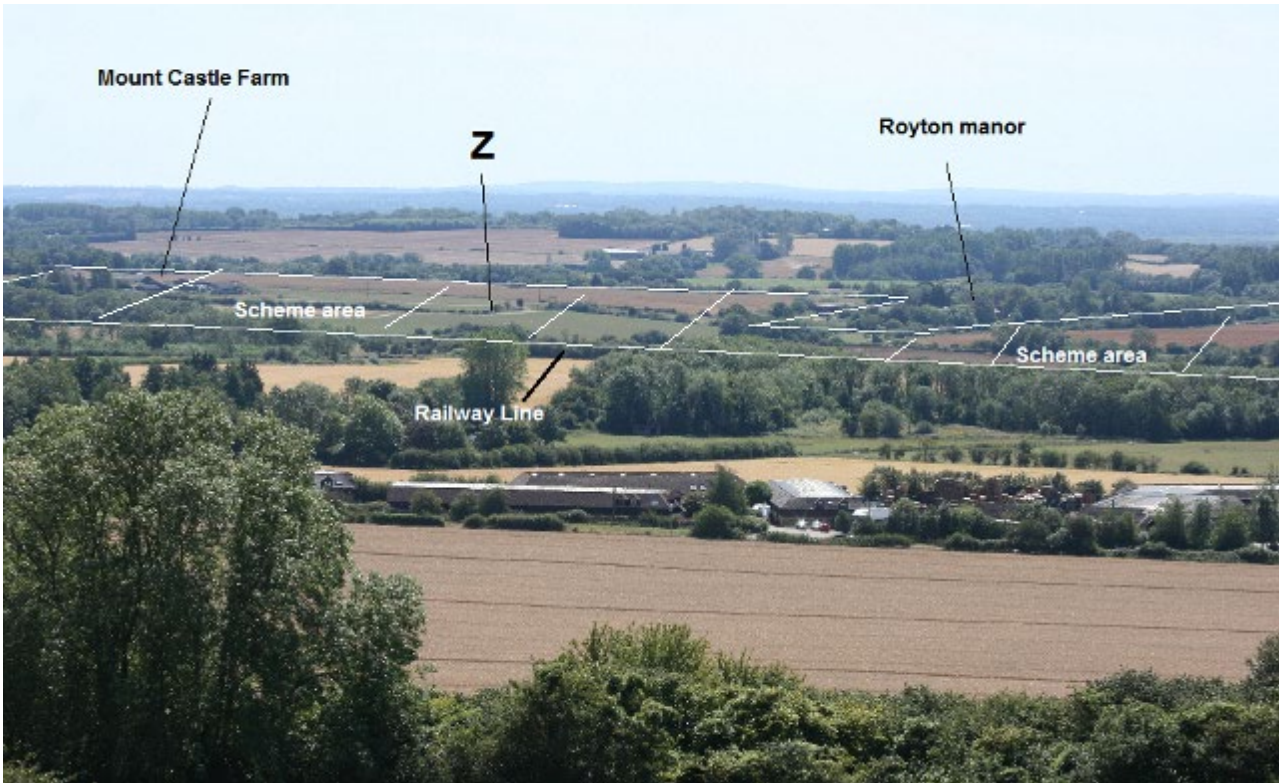
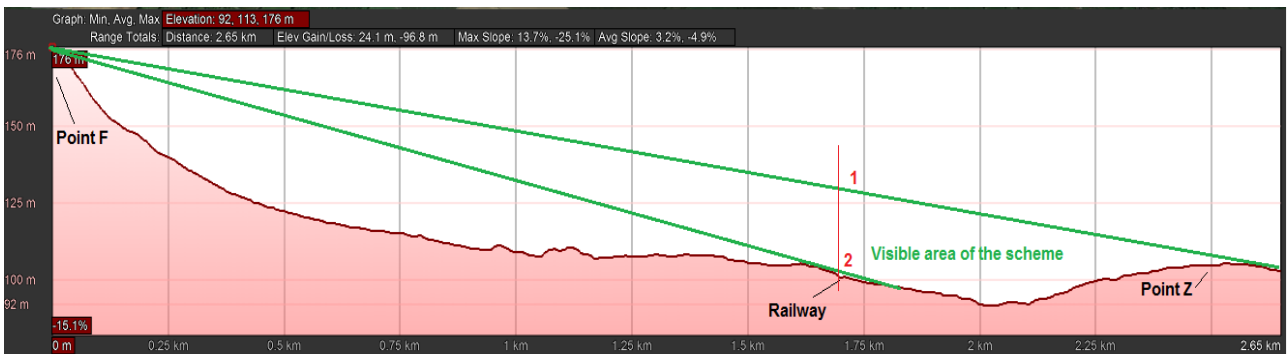


Photo N - Showing Main area (Point Z on diagram 3) around Royton Manor and Mount Castle. Including Chapel Field East. The scheme area is within the white lines. Photo taken from point F. The north sloping landscape on this area of the scheme faces the AONB and it is difficult to see how screening could completely hide or reduce the visual impact of the development.

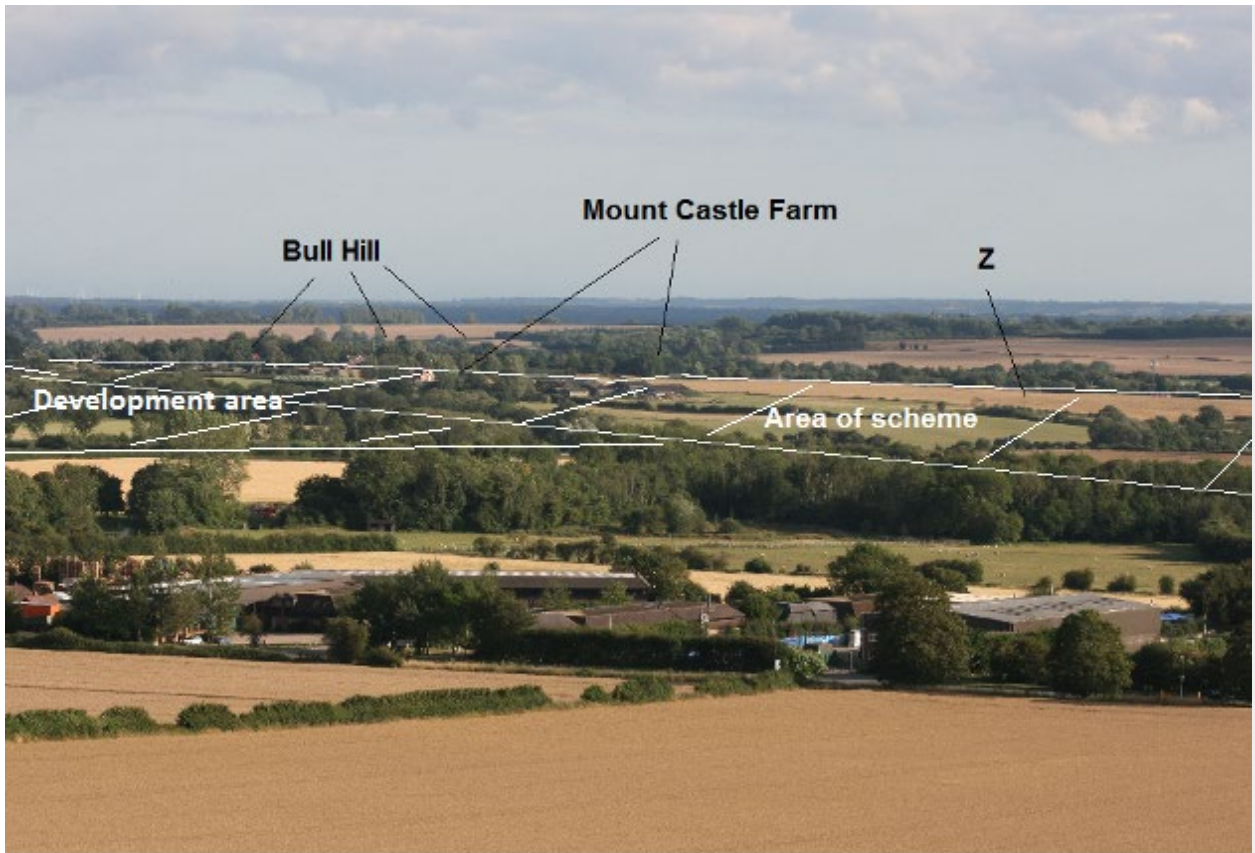


Cross Section of topography for Photo N showing area to Point Z and beyond (Diagram 3).

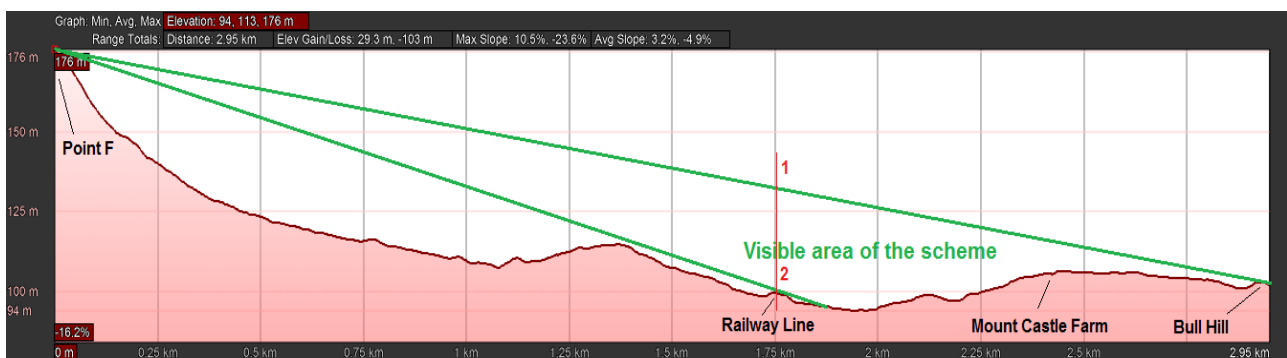


When viewed from point F there is a clear line of vision across 0.9 km of the site. Significantly the proposed Heathlands site rises as it crosses Chapel Field East which increases the likely visibility of the site and makes any kind of screening difficult. At the Railway line, the vertical distance between points 1&2 is 28 meters which is again a very substantial tree, almost certainly not of a type or size that could be grown within a Housing area. Assuming that trees would be managed to no more than 10 meters, many areas will be without cover and visible from the AONB.

Photo O – Showing main area up to Bull Hill. Taken from point C (Diagram 1) with point Z from diagram 4 and Mount Castle Farm . The scheme is within the white lines. Substantial areas are wide and open. Whilst there is some partial cover, a substantial area is visible. A proportion of the area to the north of the rail line is also visible (Development area).



Cross Section of topography for Photo O showing area to Bull Hill from point F towards Mount Castle Farm and Bull Hill.



The cross section for photo O shows that the visible area of the scheme extends to over 1.3 km in length. The Railway line is once again elevated and a significant landmark. From point F, the land drops away excepting for a small rise before dropping down to the lowest levels around the railway line. From that point onwards the land rises up towards and beyond Mount Castle where it plateaus and then starts to fall away as Bull Hill heads down towards Lenham Heath Road. The vertical

distance at the Railway Line (points 1&2) is over 30 meters which is again far higher than any properly managed tree. It will not be possible to screen this area in an effective manner. This cross section ignores the area of land visible to the north of the rail line.

The following photographs highlight key areas and are for reference only. They are magnified but highlighted in order to outline key landmarks and the proposed areas for housing.

Photo P – Magnified to show Royton Manor and proximity of Sewage Works. Photo taken from point C. Proposed areas for housing are between the white lines.

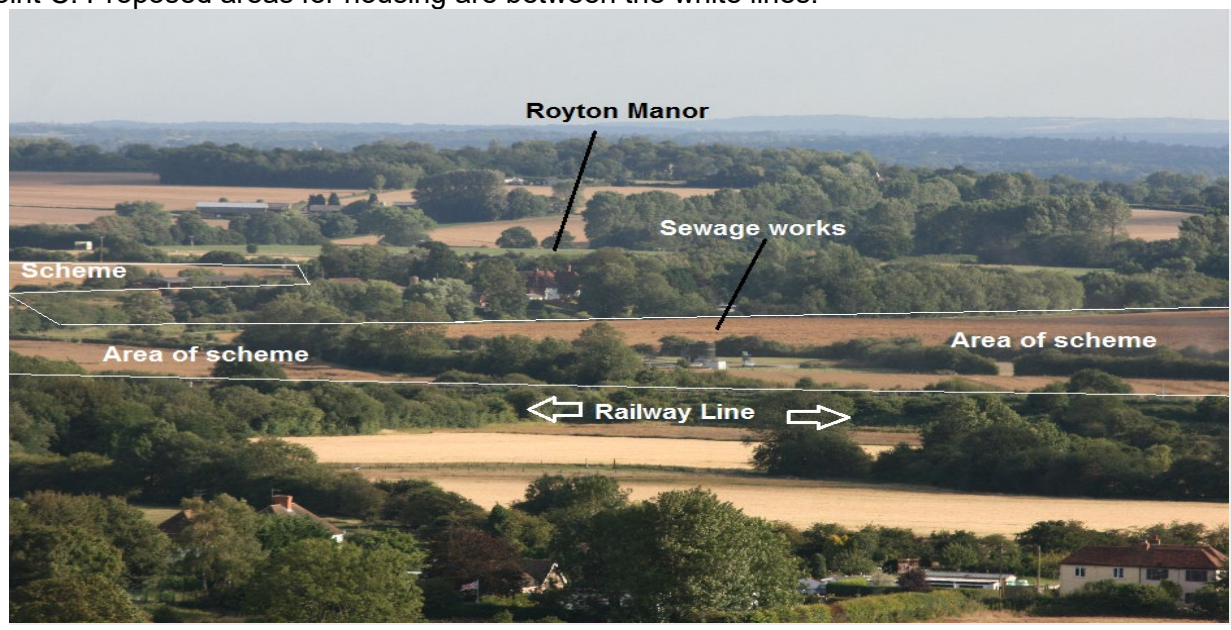


Photo Q– Magnified to show elevated section of railway line and scale of scheme area immediately to the rear. In the area of Chapel Field West. Photo from point C.



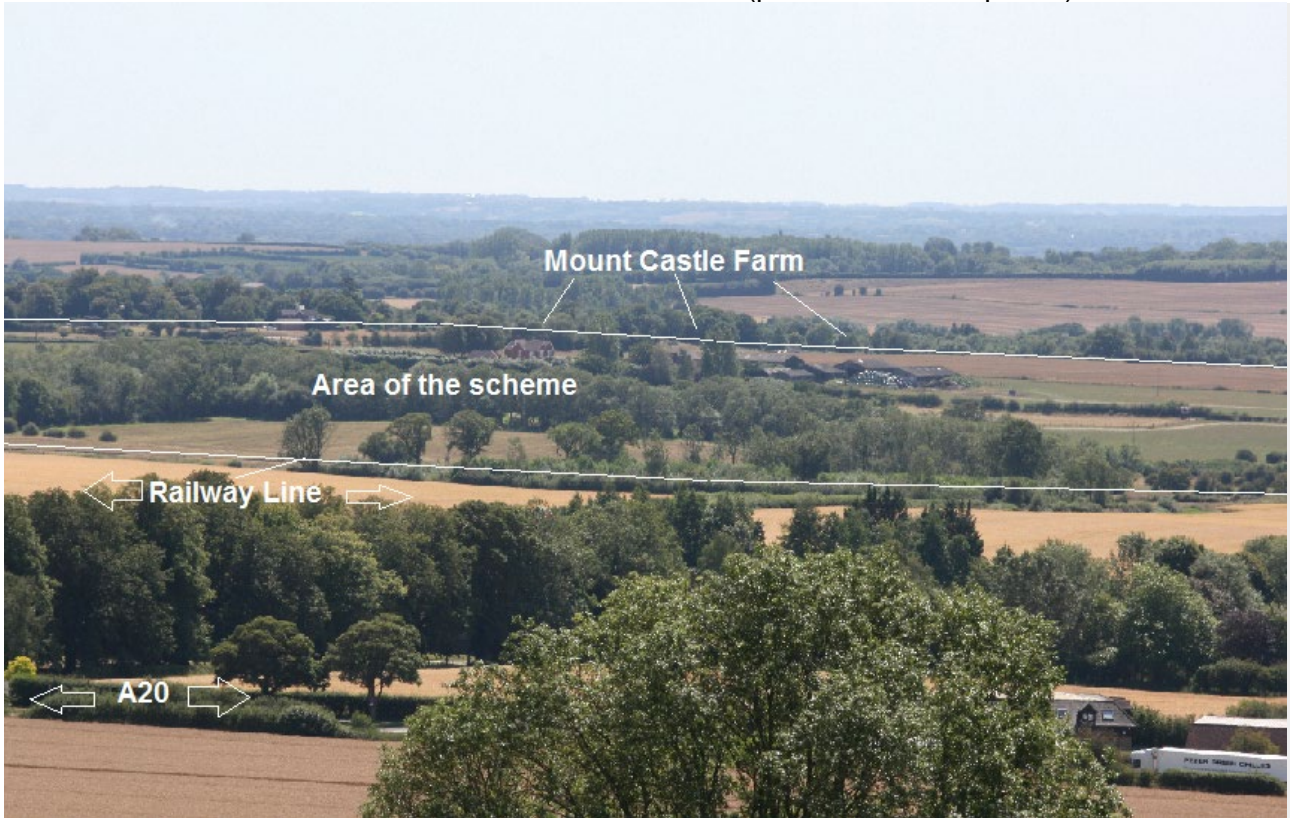
Photo R – Western end of the scheme, showing the wider area, the railway line, A20 and the nature of the landscape in the foreground and at the foot of the AONB.



Photo S - Photograph from point F. Area of scheme around Mount Castle Farm.



Photo T– Area of the scheme around Mount Castle farm (photo taken from point f).



APPENDIX A – AONB RURAL POLICIES (Local Plan 2017)

Spatial Policy 17:

Para 4.106 (page 66) - 'A large part of the northern part of the borough lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). This is a visually prominent landscape that contributes significantly to the borough's high quality of life. It is an important amenity and recreation resource for both Maidstone residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp. It also contains a wide range of natural habitats and biodiversity. Designation as an AONB confers the highest level of landscape protection. The council has a statutory duty to have regard to the purposes of the designation, including the great weight afforded in national policy to its conservation and enhancement.'

Para 4.106 (page 67) - 'Open countryside to the immediate south of the AONB forms a large extent of the setting for this designation. In Maidstone this is a sensitive landscape that is coming under threat from inappropriate development and is viewed as a resource that requires conservation and enhancement where this supports the purposes of the AONB.'

Para 4.107 (page 67) - 'The council will ensure proposals conserve and enhance the natural beauty, distinctive character, biodiversity and setting of the AONB, taking into account the economic and social well-being of the area.'

Para 4.109 (page 67) - 'The above considerations apply to the setting of the Kent Downs AONB. The Management Plan states that the setting of the Kent Downs AONB is 'broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that.' It makes it clear that it is not formally defined or indicated on a map.'

Para 4.110 (page 68) - '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. It is countryside sensitive to change, with a range of diverse habitats and landscape features, but through which major transport corridors pass. Having due regard to the purposes of the designation is part of the council's statutory duty under the Countryside and Rights of Way Act 2000. National policy (NPPF and NPPG) directs that great weight should be given to conserving landscape and scenic beauty in the AONB. The duty is relevant to proposals outside the boundary of the AONB which may have an impact on the statutory purposes of the AONB. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. The Kent Downs AONB Management Plan advises that 'where the qualities of the AONB which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions. This particularly applies to views to and from the scarp of the North Downs.' It is considered therefore that it is not necessary to formally define the setting of the Kent Downs AONB and that the impact of development can be appropriately assessed through the criteria of the policy.'

Para 4.113 (page 68) - 'The council will seek to conserve or enhance its valued landscapes. The Kent Downs AONB and High Weald AONB and their settings and other sites of European and national importance are considered to be covered by appropriate existing policy protection in the NPPF, NPPG and other legislation. As well as this national policy guidance and statutory duty, the settings of the Kent Downs and High Weald AONBs are also afforded protection through the criteria of policy SP17 and no additional designation is therefore necessary. In addition to these areas, the borough does include significant tracts of landscape which are highly sensitive to significant change. Landscapes of local value have been identified and judged according to criteria relating to their character and sensitivity:

- i. Part of a contiguous area of high quality landscape;
- ii. Significant in long distance public views and skylines;
- iii. Locally distinctive in their field patterns, geological and other landscape features;
- iv. Ecologically diverse and significant;
- v. Preventing the coalescence of settlements which would undermine their character;
- vi. Identified through community engagement;
- vii. Providing a valued transition from town to countryside.'

Para 4.114 (page 69) - 'Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Designated areas include parts of the Greensand Ridge and the Low Weald, and the

Medway, the Loose and the Len river valleys. These landscapes were highlighted as areas of local value by the public through local plan consultations.

APPENDIX B -Sample Of Proposed Policies

(as submitted for Regulation 19)

The Countryside p.28

5.34 It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced whilst at the same time allowing for opportunities for sustainable development that supports traditional land-based activities and other aspects of sustainable development in rural areas and makes the most of new leisure and recreational opportunities that need a countryside location. The individual identity and character of settlements should not be compromised by development that results in unacceptable coalescence.

1. In addition to the Kent Downs Area of Outstanding Natural Beauty and its setting, the setting of the High Weald Area of Outstanding Natural Beauty, the Metropolitan Green Belt and sites of European and national importance, the borough includes vast tracts of quality landscape, including parts of the Greensand Ridge and the Low Weald, together with the Medway, the Loose and the Len river valleys. The council will protect its most valued and sensitive landscapes.

LPRSP9: Development in the Countryside p.98

6.126 Maidstone borough is predominantly rural with a large proportion of the population living in villages as well as on the fringes of the urban area. Much of the rural landscapes are of high quality with valuable agricultural and ecological resources within the borough. The countryside areas are highly accessible to those living and working in the urban areas, complemented by a wide and well-used public rights of way network. They also act as a major asset to attract new investment into the borough. However, this proximity to the urban area brings with it pressures arising from an increased level of demand for houses, recreation and jobs in the countryside. The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, garden community developments, rural service centres and larger villages with defined settlement boundaries and is depicted on the policies map. The countryside has an intrinsic rural character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities. This needs to be mitigated in a way that maintains and enhances the distinctive rural character of the more rural parts of the borough.

6.127 Maidstone's rural economic character is diverse and complex in nature. The number of rural and agricultural businesses found within villages and rural service centres and the wider countryside account for a significant proportion of all firms in the borough. Small businesses are a particular feature of rural areas, as is homeworking, home-based businesses and live-work units. Agriculture remains an important influence, fulfilling a number of important and varied roles in the countryside, contributing to the local economy, and managing and maintaining much of the valued landscapes. It benefits from the fact that much of the soil within the borough comprises the highest grade and versatile agricultural land. However, in line with other businesses, agriculture needs to be able to react to new and changing markets and developments in technology. A more recent trend in agriculture is the response to demand for produce to be available on a year-round basis. This leads to land being put under intense pressure for almost industrial scale development that can have an adverse impact on the wider landscape and natural assets, such as wildlife, soil and water resources that require protection within the landscape. Another trend is the increasing interest in smaller-scale renewable energy

installations. Further advice and guidance on the landscape implications of these activities will be given in the Landscape Character Guidelines SPD.

6.128 Many rural businesses have begun to diversify away from traditional rural activities primarily through the re-use of farm and other buildings for commercial non-agricultural purposes. This has not only helped to retain economic activity within rural areas but has enabled a number of farms to remain operational. Tourism is of great importance to the local rural economy with the countryside providing ample leisure and open-air recreational opportunities. As well as sustaining many rural businesses these industries can be significant sources of employment and can help support the prosperity of rural settlements and sustain historic country houses, local heritage and culture. To a lesser degree, the winning of minerals such as sand and chalk has also taken place as a diversification activity, but these activities are largely confined to relatively small-scale sites on the North Downs and Greensand Ridge. The Local Plan will continue to recognise the importance of supporting small-scale rural business development. Its priority is to locate these businesses within the defined rural service centres. However, there are employment sites already located outside of these settlements and it is important to offer these businesses a degree of flexibility.

Landscape p.151

7.159 The visual character of Maidstone's landscape is highly valued by those living, working and visiting here. A significant proportion of the borough benefits from high quality landscapes. A large area of the borough lies within the Kent Downs AONB, a nationally important landscape designation and a strong level of protection will be given to this designation and its setting, set out in policy SP14(a). However, all of the landscapes play an important role in contributing to the borough's environmental, economic and social values. Therefore, all landscapes, rather than just those that are designated, will be viewed as a natural asset. This is in line with the European Landscape Convention.

7.160 The NPPF encourages the protection of valued landscapes. For Maidstone, these landscapes are identified as the Greensand Ridge, the Low Weald, and the river valleys of the Medway, the Loose and the Len, which are afforded protection in policy SP14(a).

7.161 A landscape character assessment, together with capacity studies, forms part of the local plan evidence base and should be used to inform development and land management proposals. They are a descriptive tool which identify and describe variations of landscape character, distinguishing the features that give a locality its 'sense of place' and pinpointing what makes it distinctive, setting out information on landscape character, condition and sensitivity in a comprehensive and objective way. The documents identify the positive attributes of a landscape which need protecting or enhancing as well as the negative aspects, which can be restored or otherwise improved upon. In cases where development is proposed on sensitive sites more detailed landscape and visual assessments will be required.

7.162 The Water Cycle Study 2014, the Kent Water for Sustainable Growth Study 2017, and the 2020 SFRA indicate that a number of the rural service centre catchment areas have at least some known problems with surface water which have a subsequent impact on the sewerage network. It is therefore important that surface water run-off from new development does not make this problem worse. All new developments should include the implementation of sustainable drainage systems (SuDS) that reduce surface water run-off. To ensure consistency across each rural service centre with respect to the Strategic Flood Risk Assessment, a detailed flood risk assessment is required prior to any development with the obvious intention of ensuring new development is

located outside areas liable to flooding.

LPRSP14(A): Natural Environment p.151

Introduction

7.163 Protection of the natural environment sits at the heart of the planning system. The Borough of Maidstone has a rich tapestry of natural environment assets which need to be protected and enhanced through the plan. The diversity of natural environment assets is evidenced through the number and range of protected sites which are protected via national and local designations. Maidstone Borough Council has committed to address the loss of biodiversity through the declaration of a climate change and biodiversity emergency, and the adoption of a Climate Change and Biodiversity Strategy and Action Plan.

7.164 Development proposals will be expected to demonstrate the protection of natural landscape assets including Ancient Woodland, veteran trees, hedgerows and features of biological and geological interest.

7.165 The Environment Act will introduce a requirement for new development to deliver 10% Biodiversity Net Gain. The Council are keen to demonstrate its commitment to enhancing biodiversity in the borough to align with the Climate Change and Biodiversity Action Plan, and viability testing has indicated that the delivery of 20% net gain can be achieved. Developments will be expected to deliver a minimum of 20% biodiversity net gain as measured using the latest Natural England Biodiversity metric.

7.166 Recent advice from Natural England has highlighted the impact that new development can have on waterways, whether these be within or downstream of the borough. It is necessary for new development to demonstrate that it can achieve net nutrient neutrality in the Stour Catchment

LPRSP14(B): Historic Environment

7.167 Maidstone Borough has been shaped and influenced by a long past history, the legacy of which is a strong and rich cultural heritage. In addition to an extensive and important archaeological heritage from prehistory, Roman, Anglo-Saxon and Medieval and later periods, the Borough contains an impressive and visible built heritage resource. In addition to the Borough's industrial heritage including military heritage, brewing, paper making and shipping along the Medway have been notable industrial influences. The borough's varied geology has been the source of locally distinctive building materials, namely Kentish ragstone, Wealden clay for brick and tile making and oak from the Wealden forests used in the construction of timber-framed buildings and weather boarding.

7.168 The diversity of heritage assets is recognised through designations made at the national level by Historic England such as listed buildings, scheduled ancient monuments and registered parks and gardens and also those identified more locally such as conservation areas, the parks and gardens included in the Kent Gardens Compendium and locally listed buildings. The term 'heritage asset' is defined in the NPPF and, in addition to these 'designated' assets, encompasses features of more localised significance, so called 'non-designated' heritage assets.

7.169 Collectively these heritage assets contribute to the strong sense of place which exists across the borough. This historic inheritance also has wider economic, social, including health, and cultural benefits. There are also particular economic, social and cultural benefits for Maidstone Town Centre. The Archbishop's Palace and Leeds Castle are two particularly high-profile examples which help to drive tourism in the borough. Mote Park is a registered historic park which both local residents and visitors' value highly as a popular recreational resource. Non-designated heritage assets also play an important role in the historic character of the Borough and historic. Features such as buildings, traditional field enclosures and monuments are also integral to the borough's high-quality landscape, particularly enjoyed by users of the borough's extensive public rights of

way network.

7.170 This rich historical resource is, however, vulnerable to damage and loss including of local skills. This importance is signified by the fact that heritage assets are inherently irreplaceable; once lost they are gone forever. Through the delivery of its local plan, and its wider activities, the council will act to record, conserve and enhance the borough's heritage assets. This will be underpinned by actions taken in response to a heritage assessment review which will feed into later iterations of this Plan.

APPENDIX C – Location Of AONB



APPENDIX D – Rural Setting/Village Photographs

Submitted to support the fact that the Parish of Lenham is a rural area:

Photograph U – Harvest On the Slopes of the AONB

In the area that is contiguous to the Development Site (Taken from point D)



Photograph V the view from point A looking to Mount Castle and across the development site. This shows the continuity of agricultural land as it steps down from the AONB with the Greensand Ridge at the mid point and the Weald in the distance. It also shows the intensity of farming and refutes the assertion from the promoters, that the land is of low value/quality.



Photograph W – A view of the 'Cross' taken from near Bowley Lane. A clear view of the AONB which would be at risk under the Heathlands Proposal.



Photograph X- Another view of the 'Cross' and AONB taken from near Mount Castle and again showing the significance of the view from the 'setting' of the AONB.



Photograph Y – The distinctive Oast House at Royton Manor. Submitted to show that the area has authenticity as a distinct identifiable area within a Rural Setting. Photograph is taken from Chapel Field East and is within the Development site



Photograph Z – Tithe Barn at Lenham. Submitted as evidence of a rural setting and area that has specific historic significance to the community which it has served over many centuries.



Photograph Z1 – Lenham Village Square with significant medieval heritage.



Appendix D
CLIMATE AND BIODIVERSITY CRISIS REPORT

Submitted for Regulation 19

23 November 2021

Climate and Biodiversity Crisis

Assessment of the proposed Lenham Heathlands Garden Community on Maidstone Borough Council's declaration of emergency

Update 23rd November 2021



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Index

1. Climate Crisis – Global Picture
2. Climate Crisis – Land Impacts
3. Climate Crisis – Local Impacts
4. Biodiversity Crisis
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6. Local Plan
7. Garden Community Proposal
8. Other Sources of Information
9. Key Lines of Enquiry
10. Carbon Footprint impact
11. Conclusion
12. References

1. Climate Crisis – Global Picture

Since pre-industrial times global average temperature has increased by about 1.0°C (IPCC 2018) and air temperature changes over land have exceeded those over oceans (IPCC 2020) with surface air temperatures over land now 1.5°C higher, globally, than the pre-industrial average. The evidence that this is a result of anthropogenic greenhouse gas emissions, predominantly CO₂ from fossil fuel and methane, is unequivocal.

CO₂ levels are currently rising by 2.5ppm per year and models suggest a trajectory of between 1.5°C and 4.5°C for global temperature increase. It should be noted that the risk of feedback loops driving the temperature higher are increased from 1.5°C and a 2°C rise is considered unsafe (PNAS 2018).

The impact of climate change is evident now, at just 1°C of warming.

The Centre for Alternative Technology's Zero Carbon Britain Report sets out the need to take into account future generations when planning action to tackle climate change . The Bruntland report (1987) stated that we should “provide for our own needs without compromising the needs of future generations”.

According to the Breakthrough National Centre for Climate Restoration in Melbourne, climate change poses a “near- to mid-term existential threat to human civilization” (BNCCR 2019)

The adage, “Think global, act local” combined with the requirement that future generations are able to meet their needs is therefore essential to planning.

2. Climate Crisis – Land Impacts

Land based impacts include water scarcity, soil erosion, vegetation loss, wildfire damage and food supply instabilities (IPCC 2020). In addition climate-related risks to health, livelihoods, and human security are projected to increase with global warming of 1.5°C and increase further with 2°C (IPCC 2018).

“...urbanisation can enhance warming in cities and their surroundings (heat island effect), especially during heat related events, including heat waves” (IPCC 2020)

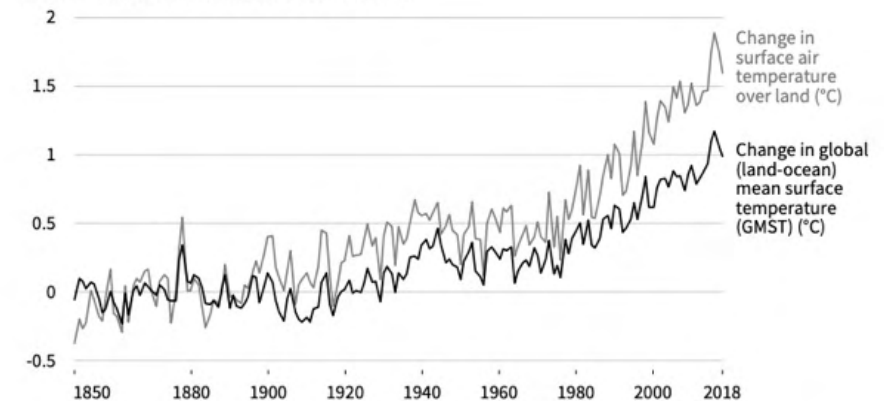
“Urban expansion is projected to lead to conversion of cropland leading to losses in food production. This can result in additional risks to the food system. Strategies for reducing these impacts can include urban and peri-urban food production and management of urban expansion, as well as urban green infrastructure that can reduce climate risks in cities.” (IPCC 2020).

Land use and observed climate change

A. Observed temperature change relative to 1850-1900

Since the pre-industrial period (1850-1900) the observed mean land surface air temperature has risen considerably more than the global mean surface (land and ocean) temperature (GMST).

CHANGE in TEMPERATURE rel. to 1850-1900 (°C)



3. The Twin Emergencies— Local Impacts

The UK is already being affected by climate change (Met Office 2020a). Increased warm spells and decreased cold spells are identified as climate change related.

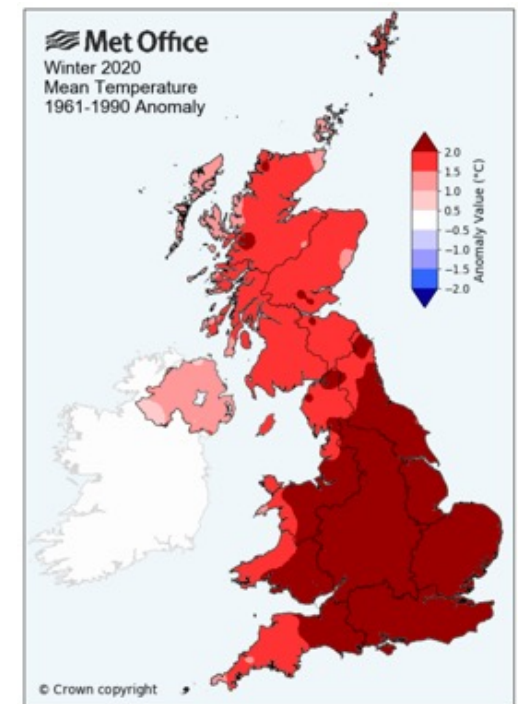
The UK's ten warmest years (as measured from 1884) have all been since 2002 and the risk of heatwaves is 30 times higher. Sea level rises will affect low lying coastal areas.

Heavy rainfall is also more likely with the winter storms in 2015 at least 40% more likely because of climate change.

The UK Climate Projection (UKCP 2018) predicts

- The temperature of hot summer days, by the 2070s, show increases of 3.7°C to 6.8°C, under a high emissions scenario, along with an increase in the frequency of hot spells.
- Significantly less rain in the summer (up to 57% drier) and significantly more in the winter (up to 33% wetter) under a high emissions scenario.
- An increase in extreme weather events
- An increase in sea levels of up to 1.15m by the end of the century under a high emissions scenario.

In addition a government report highlighted the increased risk of vector born diseases, e.g. from mosquitos and ticks (UK Gov 2019).



The Paris Agreement – Local Budget

The Tyndall Centre for Climate Change Research has derived carbon budgets for local authorities based on the United Nations Paris Agreement that the UK has signed. The Tyndall report (2020) states:

“...for Maidstone to make its ‘fair’ contribution towards the Paris Climate Change Agreement, the following recommendations should be adopted:

- 1. **Stay within a maximum cumulative carbon dioxide emissions budget of 5.4 million tonnes (MtCO₂) for the period of 2020 to 2100.** At 2017 CO₂ emission levels, Maidstone would use this entire budget within 7 years from 2020.*
- 2. Initiate an immediate programme of CO₂ mitigation to deliver cuts in emissions averaging a minimum of -13.4% per year to deliver a Paris aligned carbon budget. These annual reductions in emissions require national and local action, and could be part of a wider collaboration with other local authorities.*
- 3. Reach zero or near zero carbon no later than 2041. This report provides an indicative CO₂ reduction pathway that stays within the recommended maximum carbon budget of 5.4 MtCO₂. At 2041 5% of the budget remains. This represents very low levels of residual CO₂ emissions by this time, or the Authority may opt to forgo these residual emissions and cut emissions to zero at this point. Earlier years for reaching zero CO₂ emissions are also within the recommended budget, provided that interim budgets with lower cumulative CO₂ emissions are also adopted.”*

The Tyndall report therefore suggests that to meet its obligations under the Paris Agreement, the UK government will need Maidstone Borough Council to make significant and rapid reductions to carbon emissions across the borough.

4. Biodiversity Crisis

The UN Convention on Biological Diversity (UN 1993) defines biological diversity as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.”

A recent global assessment by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES 2019) stated that there are 1 million species facing extinction.

Diversity has a significant effect on the productivity and stability of ecosystems: “diversity increases the yield of agricultural crops, tree species diversity enhances wood production in plantations, plant species diversity produces better fodder in grasslands, and fish species diversity is associated with more stable catches.” (Lancet 2019)

The current “biological annihilation underlines the seriousness for humanity of Earth’s ongoing sixth mass extinction event” (PNAS 2017).

There are therefore two emergencies, climate change and biodiversity, that the Earth is facing and these will have significant impacts on humanity and future generations.

5. Council's Declaration of an Emergency

Maidstone Borough Council declared its recognition of climate and biodiversity emergencies in April 2019 (MBC 2019a) asking the Policy & Resources Committee to:

- undertake a short review of MBC governance policies and progress aimed at addressing locally these twin threats and to report on findings. This would include, inter alia, a review of the current provision of electric charging points throughout the Borough and bring forward an ambitious plan to make Maidstone Borough the friendliest place in the country for driving electric or hybrid vehicles;
- consider a target date of 2030 for the whole of the Borough of Maidstone to be carbon neutral;
- consider how the Council can strengthen local protection and enhancement of species, habitats and ecosystems services under available powers.

An action plan and report to the Policy & Resources Committee detailing the Council's approach to the twin emergencies has been delayed.

While the working group's report and action plan remains awaited, the Council (MBC 2020a) provides a list of projects to tackle climate change on its website. This range from encouraging staff to change their web browsers to 'advocacy for tough new Maidstone Local Plan policies'. The website also encourages individual actions to reduce carbon footprints.

Maidstone Borough Council Progress

CO2 emissions in the borough (UK Gov 2020) fell from 1125kt in 2005 to 827.9kt in 2017 with per capital emissions falling from 7.8t to 4.9t over the same period. Total reductions of 41% are noted for industrial and commercial sources and 33% for domestic use. Transport emissions were 6% lower. Reductions in industrial and domestic emissions are shown to be largely driven by changes to electricity generation, i.e. outside of the Council's direct influence.

A report from Friends of the Earth (FOE 2020) sets out how climate friend boroughs / districts are. The Council's area report covering five key indicators states:

- *Transport:* 25% of commuter journeys are made by public transport, cycling and walking. Maidstone should aim for 50% of journeys to be made by public transport, cycling or walking by 2030.
- *Renewable energy:* Maidstone has 19,518 megawatt hours of renewable energy available, enough to power 2% of homes in the area. Maidstone should aim for 161,970 MWh (16%) to match the best of similar local councils.
- *Waste:* 51% of household waste is reused, recycled, or composted. Maidstone should aim for 100% by 2030.
- *Housing:* 45% of Maidstone homes are well insulated. Maidstone needs to ensure 100% of homes are properly insulated by 2030.
- *Tree cover:* Maidstone needs to double tree cover.

6. Draft Local Plan

The new draft Local Plan (MBC 2021) states that “Planning plays a fundamental and decisive role in helping the council to deliver carbon neutrality” (p?). The Council restates its ambition to be carbon neutral by 2030 (p19).

On the Heathlands settlement the Council states that “Climate Change adaptations and mitigations aimed at ensuring the new settlement is operationally net zero in terms of carbon emissions” and “20% biodiversity net gain will be expected to be achieved on-site”. (p59)

The draft Local Plan refers to the Council’s Biodiversity and Climate emergency Strategy and Action Plan (MBC 2020d) for delivery of its carbon and biodiversity aims. The Council has stated that the current actions plan will only achieve a carbon reduction of 32% by 2030 and 45% by 2050 (MBC Council meeting 27th July 2021) a calculation which it is assumed ignored the embodied carbon in new build infrastructure given that the Council was not able to calculate this (MBC Council meeting 6th October 2021).

The draft Local Plan Policy LPRSP14(C) – Climate Change “encourages” and “supports” low carbon energy and other sustainability measures: there is one measurable requirement, for a maximum of 110l water use per day. Policy LPRQ&D 1: Sustainable Design. Requires 10% on site renewable energy generation.

The Council updated its Infrastructure Delivery Plan in 2019 (MBC 2019b). The revised plan makes no reference to climate change.

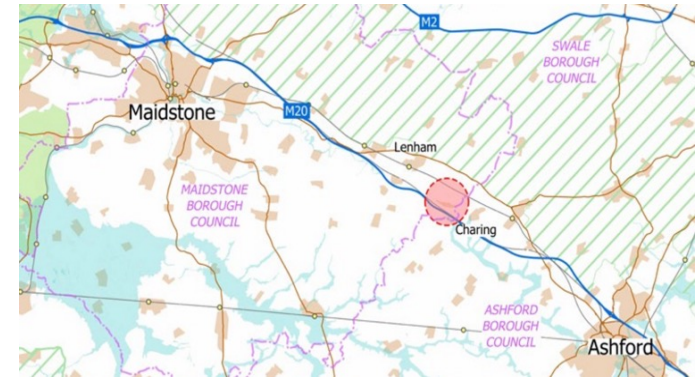
7. Garden Community Proposal

The Council published its initial “Vision” document for Lenham Heathlands in 2019 (MBC 2019c) and a subsequent one entitled “Masterplan” in 2020 (MBC 2020b).

“The council is pursuing this project as it is consistent with its Strategic Plan priority of “embracing growth and enabling infrastructure”.

The documents set out:

- 4,000 homes across the 770 acres site
- 40% affordable housing
- Council as ‘Master Developer’
- Vision includes:
 - “Self-sufficient community with day to day needs a short walk or cycle ride away”
 - “district centre, somewhere with a vibrancy and unique character. A place to work, shop and catch up with friends”
 - “exemplar eco credentials and bio-diversity net gain”
- The site is not in the AONB but 1.5km south of it.
- New bus links with a potential rapid transit route to Lenham and Charing
- 2 primary schools
- 27.4 acres of employment land and 117.3 acres of country park



The Lenham Neighbourhood Plan (MBC 2020d) was consulted on by the Council in 2020 after it had been passed by an Independent Examiner commissioned by the Council in 2019. The Neighbourhood Plan does not include provision for the Garden Community.

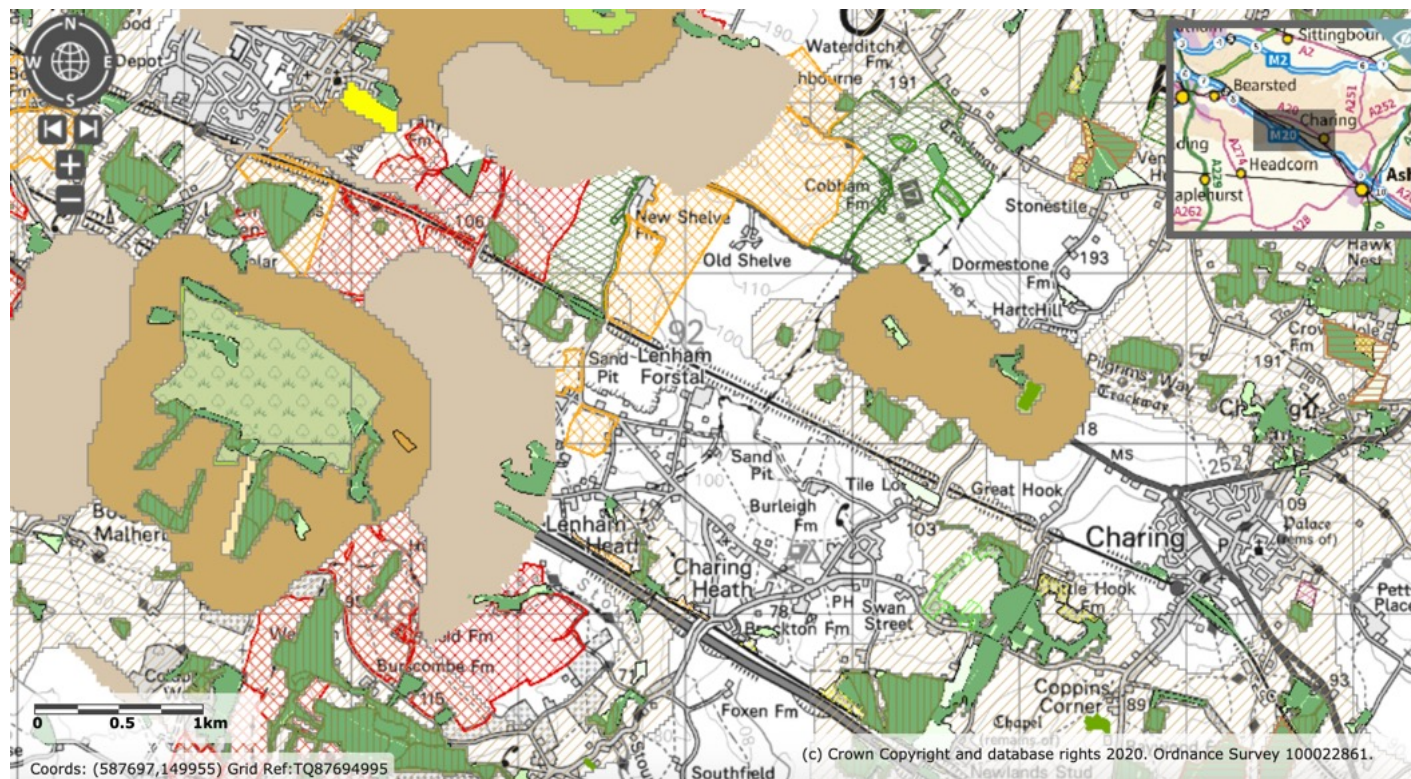
Lenham Parish Council has stated its objection to the Garden Community proposal.

8. Other Sources

A search of DEFRA's database (DEFRA 2020) highlighted additional designations not contained in either Vision document.

The area contains a number of designations not shown on the Council's map. These include: National Habitat Network (brown areas) and Countryside Stewardship Agreement Management Areas (orange hash). It should also be noted that the area contains ancient woodland.

Lenham Quarry is just north of the site and is a Site of Special Scientific Interest.



Water Pollution

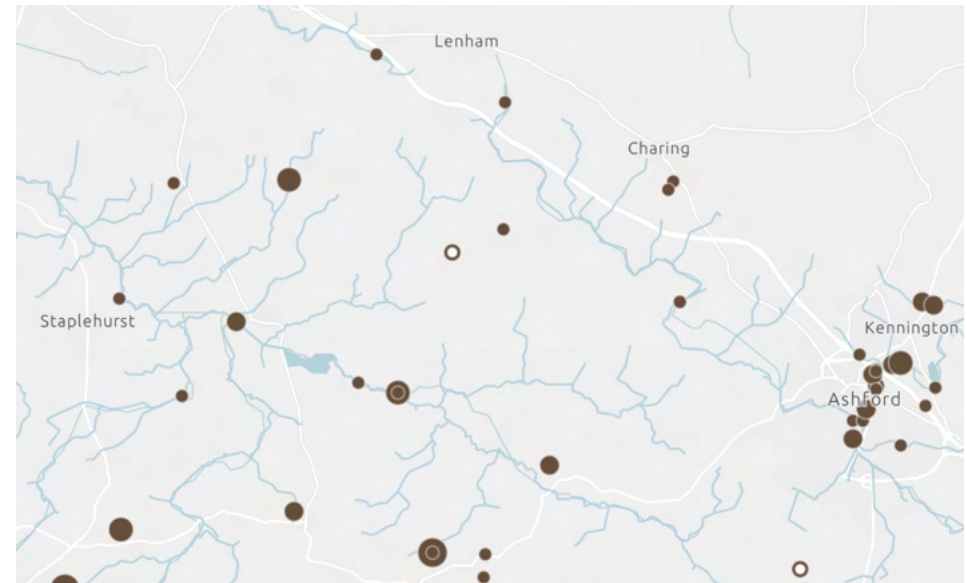
The source of the Great Stour is in Lenham Heath. This course of this river goes through Ashford, Canterbury and the Stodmarsh Nature Reserve before entering the Channel.

The Stodmarsh Nature Reserve is an internationally important site with the following designations: Special Area of Conservation, Special Protection Area, Ramsar site, Site of Special Scientific Interest, National Nature Reserve. Natural England have warned councils about further development in the Great Stour catchment area due to high levels of nitrogen and phosphorus in the Nature Reserve.

Rainfall is potentially due to rise by 33% during winter months, increasing flooding and run off into rivers.

There is a Waste Water Treatment facility in Lenham which impacts on the Great Stour. Increased housing in the area is therefore highly likely to increase pollution levels in the Stodmarsh Nature Reserve unless specific measures are taken to prevent this.

Southern Water have been fined for discharging untreated sewage into rivers in Kent, including around Lenham.



Map from www.theriverstrust.org

9. Assessment

The following assessment has been made against the following areas that require action to reduce carbon emissions to net zero by 2030 and to protect and enhance biodiversity. The assessment is based on the limited information published by the Council, including aspirational plans set out in their Vision documents.

The key lines of enquiry (KLOE) have been developed from a synthesis of areas highlighted by leading climate change experts:

1. Transport
2. Energy
3. Pollution
4. Consumption
5. Built environment
6. Biodiversity and land
7. People

KLOE 1: Transport

Issue	Assessment	RAG
<p>Active travel</p> <ol style="list-style-type: none"> 1. Is this the focus of travel 2. Are there cycle and walking paths to key destinations? 3. Are cycle and walking prioritised over road traffic? 	<p>The Council’s plans aspire to promote active travel, walking and cycling. It seems to want to connect active travel routes to new railway stations and bus routes that may not be provided.</p> <p>The inclusion of a dedicate cycle path to Lenham station is positive.</p>	<p>Yellow</p>
<p>Public transport</p> <ol style="list-style-type: none"> 1. Are the infrastructure and services in place, planned or aspired to? 2. Is the public transport carbon neutral? 3. Are services regular enough to be of use? 4. Are the destinations sensible? 	<p>The Council aspires to have a new railway station the Maidstone East line plus new bus routes. It is unclear at what stage the agreement for these has reached, however the Council reports (MBC 2020c) that “Homes England are now leading on the more detailed exploration of this matter”.</p> <p>The initial proposal for a railway station a HS1 is removed in the 2020 document and the ‘halt’ on the Maidstone East line is noted for later development, i.e. public transport will be limited to buses.</p>	<p>Yellow</p>
<p>Car use</p> <ol style="list-style-type: none"> 1. How is this being discouraged? 2. Are road speeds minimised? 3. Are car sharing schemes planned? 4. Are enough jobs and facilities available locally? 5. What is the likely level of car use? 6. How will this impact on the environment? 	<p>Should enhanced public transport not be delivered, there will be a significant impact on the level of car use by residents. It should be assumed that there will be circa 8,000 additional car journeys per day for the completed development.</p> <p>Given the proposed timeline for the development, an initially lower number of additional car journeys would be likely by 2030 however as the sale of internal combustion engine powered vehicles will not be banned until 2035 there will still be significant resultant carbon emissions.</p> <p>The initial Vision document refers to an aspiration for a new junction on the M20 to serve the site. However in the subsequent document this plan is dropped and therefore access is predominantly via the A20 which will increase congestion and air pollution along this route.</p>	<p>Red</p>

KLOE 2: Energy

Issue	Assessment	RAG
<p>Zero carbon</p> <ol style="list-style-type: none"> 1. What plans are there for energy provision? 2. What sources will be used? 	<p>There is one mention of energy sources in the Vision document, a solar farm is cited as an example of sustainable energy for the development however there are no other mentions of this and no land identified for a solar farm.</p> <p>The documents mention electric car provision for each property but fails to mention the impact of batteries on the environment or to make an assessment on the electricity supply for these vehicles.</p> <p>It is assumed that traditional energy sources will be used. While electricity sources are increasingly lower carbon, gas is generally not.</p>	<p style="background-color: red; color: white; text-align: center;">RAG</p>
<p>Community energy</p> <ol style="list-style-type: none"> 1. Are there plans for community energy schemes? 2. Will community energy schemes be from renewable sources? 	<p>There is no mention of community energy schemes in the documents. These can foster a sense of self-reliance, ownership and responsibility for energy use.</p>	<p style="background-color: red; color: white; text-align: center;">RAG</p>
<p>CO2 reduction</p> <ol style="list-style-type: none"> 1. Will the development reduce CO2 emissions overall? 2. Are there plans for mitigation or offsetting of emissions? 3. Will the development be carbon neutral by 2030? 	<p>There is no evidence to suggest that the development will reduce CO2 emissions and reasonable evidence to suggest it will increase them. This is contrary to the Council's stated desire to make the Borough carbon neutral by 2030 and contrary to the concept of the climate emergency.</p>	<p style="background-color: red; color: white; text-align: center;">RAG</p>

KLOE 3: Pollution

Issue	Assessment	RAG
<p>Air Quality</p> <ol style="list-style-type: none"> Are air pollution limits being exceeded already? Will car journeys be minimised? Are there other sources of air pollution? What anti-pollutions measures are proposed? Are there impacts on other areas? 	<p>The development is unlikely to exceed legal limits for air pollution however air pollution impacts on health below legal limits.</p> <p>Given the likelihood of significant car journeys there will be impacts on the health of residents and neighbouring villages.</p>	<div style="background-color: red; width: 100%; height: 100%;"></div>
<p>Waste</p> <ol style="list-style-type: none"> Is there a zero waste strategy for the homes once built? Is there a zero waste strategy for the construction? Is the area performing well on waste reduction? 	<p>There is no mention of waste within the Vision or Masterplan. The Council should be planning for zero waste using well understood and documented principles.</p>	
<p>Water</p> <ol style="list-style-type: none"> Nitrogen and Phosphorus 	<p>Natural England (2020) have indicated that the risks to wildlife sites in the Stour Valley with some lakes being currently impacted by excess nitrogen and phosphorus. The Stodmarsh area has various significant designations and Natural England advise that all new housing developments are likely to increase this pollution and would therefore require a detail assessment of their impact.</p> <p>Southern Water discharge raw sewage into local rivers at times of high rainfall. This rainfall will increase in intensity with climate change. The draft Local Plan acknowledges this as a risk but provides assurance by way of requiring developers to provide assurance.</p>	

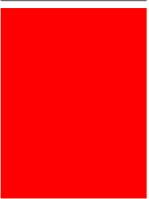

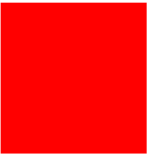
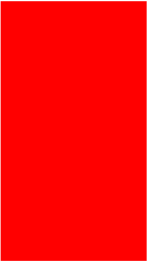

KLOE 4: Consumption

Issue	Assessment	RAG
<p>Food</p> <ol style="list-style-type: none"> 1. Are there local shops? 2. Is lower meat consumption promoted? 3. What is the impact on local food production? 	<p>There is little mention of food within the documents, only the expectation of local shopping facilities. The greenhouse gas impacts of meat and dairy products are significant along with transportation of food.</p> <p>The farmland is largely pasture for grazing for animals which result in increased methane emissions. There is no proposal to promote arable farming or more vegetable based diets.</p> <p>The IPCC warn of disruptions to food supplies under climate change and local food production is a key mitigation. The Council should be prioritising and protecting existing farm land for arable use while promoting a move towards plant based diets.</p>	<div style="background-color: red; width: 100%; height: 100%;"></div>
<p>Water</p> <ol style="list-style-type: none"> 1. Are water saving measures proposed? 2. Are there issues with supply? 	<p>There is no mention of water supply. The IPCC warn of disruptions to supplies under climate change and the Environment Agency (EA 2018) has warned of both increased flooding and abstraction rates being at unsustainable levels. The NAO has warned that the South East could run out of water in the next 20 years (iNews 2020).</p>	<div style="background-color: red; width: 100%; height: 100%;"></div>
<p>Items</p> <ol style="list-style-type: none"> 1. Is there consideration to reduction in general consumption? 	<p>There is no mention of reducing general consumption.</p>	<div style="background-color: red; width: 100%; height: 100%;"></div>

KLOE 5: Built Environment

Issue	Assessment	RAG
<p>Homes</p> <ol style="list-style-type: none"> 1. What is the energy / environment standard proposed for buildings? 2. Are energy generating schemes incorporated? 3. Are the homes at passiv haus level? 4. Are green roofs proposed? 5. How insulated are the homes? 6. How are they heated? 	<p>The document refers to “Building for Life 12” but gives no indication of its assessment against the standards (which are arguably below the standards required in the light of the climate emergency).</p> <p>There is one mention of energy efficiency in the 2020 document. Housing is unlikely to meet “passive haus” standards and will therefore increase carbon emissions through excess energy requirement for heating. This is contrary to the Council’s stated desire to make the Borough carbon neutral by 2030 and contrary to the concept of the climate emergency.</p> <p>Simply building the homes will cause significant CO2, e.g. building a two bedroom house may generate 80t of CO2.</p>	<p style="background-color: red; color: white; text-align: center;">RAG</p>
<p>Affordability</p> <ol style="list-style-type: none"> 1. What is the proposed ‘affordability’ level of the development? 	<p>40% of homes are proposed to be classed as “affordable”. They will be sold to a housing company for renting rather than being built to be sold to individuals.</p>	<p style="background-color: yellow; text-align: center;">RAG</p>
<p>Density</p> <ol style="list-style-type: none"> 1. What is the density of the proposed homes? 	<p>Document 2 suggests densities ranging from 25 to 75 dph, with the higher densities in the centre of the development. They do now specify the overall average density. At 25 dph, houses would occupy an average of 400m2, e.g. a plot of 10m x 40m or 1/10th of an acre.</p> <p>Obviously a higher density would reduce land loss to building.</p>	<p style="background-color: yellow; text-align: center;">RAG</p>
<p>Roads</p> <ol style="list-style-type: none"> 1. What will be the impact on local roads? 	<p>With no new rail stations and even with new bus routes if they are agreed, there will be an increase in car journeys which will increase CO2 and air pollution emissions. Journeys will mostly go via the A20 and increase congestion and air pollution along this corridor.</p> <p>This is contrary to the Council’s stated desire to make the Borough carbon neutral by 2030 and contrary to the concept of the climate emergency.</p>	<p style="background-color: red; color: white; text-align: center;">RAG</p>

KLOE 6: Biodiversity and Land

Issue	Assessment	RAG
Wild areas 1. What protection is there for biodiversity 2. Are schemes for rewilding included?	The protection of ancient woodland is welcome but there is only one schemes to increase biodiversity mentioned (the park is likely to be no more diverse than farmland), “an enhanced biodiversity corridor to the Great Stour River”. Increased biodiversity would be more easily achieved by re-wilding part of the land rather than building on it.	
Woodland 1. Is ancient woodland protected? 2. Is there an increase in trees / woodland overall?	The Vision suggests that ancient woodland will be protected but the creation of significant new woodland is not mentioned.	
Farmland 1. What is the impact on farmland? 2. Is there promotion of organic farming?	The need for local food to increase resilience as a mitigation to climate change will not be met with the reduction in farmland in the proposal. The loss of overall farmland will also reduce biodiversity which is contrary to the Council’s stated desire.	
Suitability 1. Is the land suitable for housing? 2. How is important archaeology dealt with? 3. Are there existing or planned quarries / landfills?	<p>KCC’s Waste and Mineral strategy highlights a portion of the land for extraction, however there is reported agreement that “residential development could indeed follow extraction”. This would be dependent on the nature of the fill.</p> <p>Areas within the plan are designated “National Habitat Network” and “Countryside Stewardship Agreement Management Areas”. It is assumed that these designations will be lost to development.</p>	
Flooding 1. What is the flood risk of the area?	<p>Hard surfaces increase run off flooding compared to undeveloped land. Given the likely increase in extreme weather events there will be an increase in flooding.</p> <p>Winter rainfall will potentially increase up to 33% by 2100.</p>	

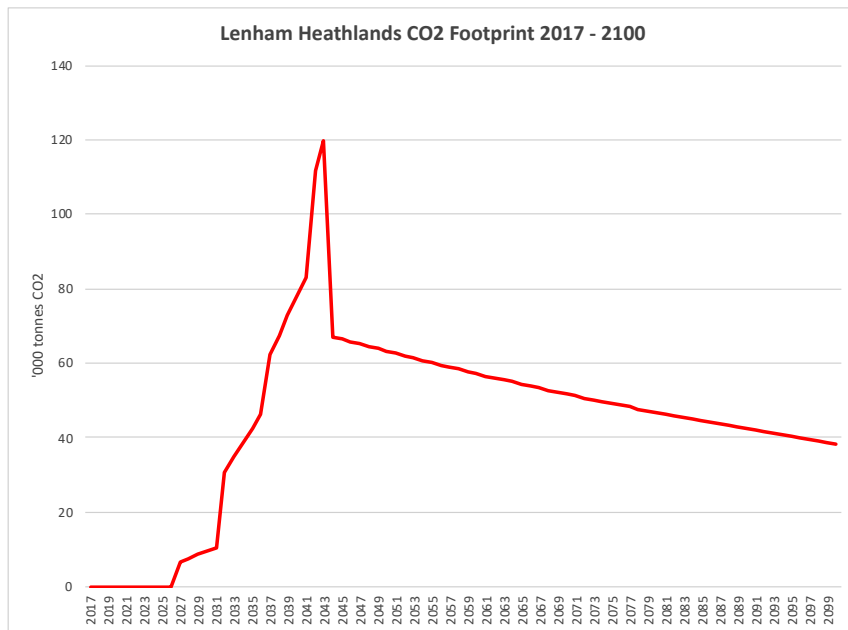
KLOE 7: People and Planet

Issue	Assessment	RAG
<p>Health</p> <ol style="list-style-type: none"> How will the health of the local population be affected? Are there specific schemes to improve health? 	<p>While consideration into promoting health is evident, the impact of climate change and air pollution are not covered and many of the health benefits rely on active travel which may not be possible, particularly those commuting to areas not easily accessible by public transport.</p>	<p>Yellow</p>
<p>Education</p> <ol style="list-style-type: none"> What is the education provision? 	<p>The document proposes two new primary schools on the site with secondary education provided at Lenham. It makes no mention of land based education such as forest schools.</p>	<p>Green</p>
<p>Work / jobs</p> <ol style="list-style-type: none"> What is the level of local job creation? Is this sufficient for the new population? Are the new jobs in the green or non-polluting sectors? 	<p>MBC 2020c states that 750 people are likely to work from home and 3250 are likely to commute. Of the large figure employment for 850 may become available within the development.</p> <p>Furthermore an estimate 1000 full time jobs will be needed for construction over 20year. These will add to commuting numbers.</p> <p>Given that transport will remain fossil fuel based for some time, this level of commuting is contrary to the Council’s stated desire to make the Borough carbon neutral by 2030 and contrary to the concept of the climate emergency.</p>	<p>Red</p>
<p>Climate justice</p> <ol style="list-style-type: none"> Is there any support to affected peoples by the development (local, national or international)? 	<p>There is no mention of climate justice either to those in the world who will suffer most nor to the opportunity cost of the development to others within the borough.</p>	<p>Red</p>
<p>Climate mitigation</p> <ol style="list-style-type: none"> What mitigations are proposed? What offsetting is proposed? 	<p>The documents claim that they are supporting the climate change agenda and the development will be “adopting sustainable principles”, however there is little evidence of this when viewed in the wider context.</p>	<p>Yellow</p>

10. Carbon footprint of Lenham Heathlands

Based on the assumptions below, a conservative view of the carbon footprint of the Lenham Heathlands development has been produced. This covers the period to 2100 and shows that around 3.8 mtCO₂ will result from the development, including 0.4 mtCO₂ from building.

According to the Tyndall Centre for Climate Change Research (2020), Maidstone's remaining carbon budget for 2020 to 2100 under the Paris Agreement is 5.4mt CO₂.



Assumptions:

- Development is over 15 years and commences in 2026, gradually increasing.
- 100t CO₂ on average is produced by the construction of each house.
- The footprint of new residents is 9.1t p.a. but falls 1% p.a. in line with current trends.
- The analysis does not take into account addition CO₂ released from earth movement or benefit lost from reduced earth sequestration.

11. Conclusion

Assessment of the KLOEs **reveals significant areas of concern** for the development of the Heathlands Community Garden when viewed through the lens of the Council's declaration of Climate and Biodiversity emergencies.

CO2 emissions are likely to increase significantly both from transport and housing, including the building of the houses. This goes against the Council's stated aim to be carbon neutral and would contribute significantly to and exceedance of a localised carbon budget based on the Paris Agreement. The Council has admitted that its current carbon plan only achieves a 45% reduction by 2050.

The impact of traffic is exacerbated by the likely congestion that will be generated on the A20. This will also increase air pollution which will be detrimental to health.

There would be a high probability of increased pollution in the Stodmarsh Nature Reserve in internationally important site that has already has concerning levels of pollution particularly following the recent identification of raw sewage discharges and the increasing likelihood of higher levels of rainfall.

The retention of ancient woodland and the provision of local schools will be beneficial, both to maintain carbon sinks and biodiversity and to reduce travel needs for children.

A detailed assessment on the impact of biodiversity is not possible given the small amount of information in the Council's documents. The Great Stour corridor plan is positive however the loss of Habitat Network is negative. Grazing and arable land are not especially diverse but are likely to be more diverse than the new housing.

The Council should be considering rewilding to improve biodiversity. It should be increasing local food production to improve food security. It cannot do this while building houses on farmland.

Overall, it seems that this development will have a negative impact on climate change and biodiversity which would therefore be contrary to its declaration of the twin emergencies.

12. References

- IPCC 2018 https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf
- IPCC 2020 https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM_Updated-Jan20.pdf
- PNAS 2018 Trajectories of the Earth System in the Anthropocene <https://www.pnas.org/content/115/33/8252>
- UN 1987 Report of the World Commission on Environment and Development: Our Common Future (Brundtland Report) <http://www.un-documents.net/wced-ocf.htm>
- CAT 2019 Zero Carbon Britain <https://www.cat.org.uk/info-resources/zero-carbon-britain/research-reports/zero-carbon-britain-rising-to-the-climate-emergency/>
- MBC 2019a Declaration of Climate Change and Biodiversity Emergencies https://www.maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGjVWVldGluZ3MubWFpZHN0b25lLmdvdjE1ayUyRmRvY3VtZW50cyUyRmcyOTk1JTJGUHJpbmRlZCUyMG1pbnV0ZXMlMjA0xMHRoLUFwci0yMDE5JTlwMTguMzAlMjBDb3VuY2IsLnBkZiUzRIQIM0QxJmFsbD0x
- MBC 2020a Climate and Biodiversity Emergency website <https://www.maidstone.gov.uk/home/other-services/campaigns-and-projects/tier-2-primary-areas/biodiversity-and-climate-emergency> (last accessed 22/7/20)
- MBC 2021 Draft Local Plan <https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/regulation-19/LPR-Regulation-19-Documents-25.10.21-Final-Copy.pdf>
- MBC 2019b Infrastructure Delivery Plan https://maidstone.gov.uk/_data/assets/pdf_file/0004/317965/Infrastructure-Delivery-Plan-2019.pdf
- UK Gov 2020 Local Authority CO2 Emissions <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-to-2017>
- FOE 2020 <https://friendsoftheearth.uk/climate-friendly-communities> (last accessed 22/7/20)
- MBC 2019c Community Garden Vision 1 https://news.maidstone.gov.uk/_data/assets/pdf_file/0007/316348/29248-Heathlands-Maidstone-Vision-doc-n.pdf
- MBC 2020b Community Garden Vision 2 https://news.maidstone.gov.uk/_data/assets/pdf_file/0008/345626/2nd-stage-Vision-Documents-June-2020.pdf
- DEFRA 2020 Magic Map <https://magic.defra.gov.uk/MagicMap.aspx> (last accessed 22/7/20)
- MBC 2020c Policy and Resource Committee papers https://www.maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGjVWVldGluZ3MubWFpZHN0b25lLmdvdjE1ayUyRmRvY3VtZW50cyUyRmM3MTgxNiUyRkNvdW5jaWwtTGvkjTlwr2FyZGVuJTlwQ29tbXVuaXR5JTlwVXBkYXRlLnBkZiZhbGw9MQ%3D%3D
- MBC 2020d Lenham Neighbourhood Plan (consultation) <https://localplan.maidstone.gov.uk/home/neighbourhood-planning/lenham-neighbourhood-plan-regulation-16-consultation-february-2020>
- Lancet Planetary Health 2019 Biodiversity loss—more than an environmental emergency <https://www.sciencedirect.com/science/article/pii/S2542519619301135#bib7>
- UN 1993 Convention on Biological Diversity <https://www.cbd.int/convention/>
- IPBES 2019: Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. E. S. Brondizio, J. Settele, S. Díaz, and H. T. Ngo (editors). IPBES secretariat, Bonn, Germany. <https://ipbes.net/global-assessment>
- PNAS 2017 Biological annihilation via the ongoing sixth mass extinction signaled by vertebrate population losses and declines <https://www.pnas.org/content/114/30/E6089>
- BNCCR 2019 https://docs.wixstatic.com/ugd/148cb0_b2c0c79dc4344b279bcf2365336ff23b.pdf
- Met Office 2020a <https://www.metoffice.gov.uk/weather/climate-change/effects-of-climate-change>
- UKCP 2018 <https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index>
- UK Gov 2019 <https://post.parliament.uk/research-briefings/post-pn-0597/>
- EA 2018 The state of the environment: water resources https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709924/State_of_the_environment_water_resources_report.pdf
- iNews 2020 <https://inews.co.uk/news/nao-drought-water-shortage-climate-change-411773>
- Tyndall 2020 <https://carbonbudget.manchester.ac.uk/reports/E07000110/>
- Met Office 2019 <https://www.metoffice.gov.uk/binaries/content/assets/metofficegovuk/pdf/research/ukcp/ukcp-headline-findings-v2.pdf>
- Natural England 2020 https://maidstone.gov.uk/_data/assets/pdf_file/0003/372702/Natural-Englands-letter-to-local-authorities.pdf
- MBC 2020d <https://maidstone.gov.uk/home/other-services/campaigns-and-projects/tier-2-primary-areas/biodiversity-and-climate-emergency>

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Climate speaker (2010 –)

Management Consultant (2008 –)

National Policy Development Coordinator for the Green Party (2012 – 2014)

Green Party Executive Committee (2012 – 2014)

National Spokesperson on Health for the Green Party (2007 – 2012)

Founder of Sustainable Maidstone (2006 – 2010)

Chair of Pagan Aid (2018 –)

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The views contained in this document are an assessment based on the evidence in the documents referenced.

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Appendix E
ECOLOGY REPORT

Submitted for Regulation 19

12 December 2021

The promoters (Maidstone Borough Council & Homes England) for the Heathlands garden settlement commissioned Ramboll UK Ltd to provide the ecology evidence base for this site. This was submitted to the LPA in September 2021 and forms part of the evidence base for policy LPRSP4(A) 'Heathlands Garden Settlement' in the Local Plan Review, draft for consultation.

The Ramboll report rightly sets out that Biodiversity Net Gain (BNG) is a key consideration for Heathlands, as stipulated by policy LPRSP14(a) of the Local Plan Review. This policy sets out that a '*minimum 20% on site Biodiversity Net Gain on new residential development*' is expected. It also states that '*Biodiversity Net Gain should be calculated in accordance with the latest Natural England biodiversity metric or equivalent*'.

Policy LPRSP4(A) 'Heathlands Garden Settlement' also explicitly states that '*20% biodiversity net gain will be expected to be achieved on-site*'.

It is disappointing that at this late stage of the plan-making process, and with policy LPRSP4(A) being one of the biggest allocations in the Local Plan Review, that no baseline has been calculated in order to provide more certainty on whether and how a 20% BNG could be achieved.

The limitations of the initial surveying is a major concern. An extract from the RSK report that the Ramboll work builds on reads:

Field Survey

No access to private land was available. The survey was therefore undertaken by viewing from publicly accessible places only, in consequence of which some habitats were unseen and others could only be identified broadly. Furthermore, many plants are likely to have been missed owing to winter survey when many species are not in evidence (perennating underground or yet to germinate).

It goes on to state:

Validity of Data

Data collected for submissions to the local planning authority are usually valid up to two years following the field survey. Should construction works not have commenced within two years, then a repeated preliminary ecological appraisal may be needed.

The preliminary view as to whether protected species might occur on the site is based on the suitability of habitat, the known distribution of relevant species in the local area (from online sources and desk study), and any signs of the relevant species. It does not constitute a full and definitive survey of any protected species group.

The surveys were undertaken from publicly accessible places only and, outside of the optimal times of year (April to September). They cannot therefore be as complete as summer surveys with permissions for access, which are the normal standard for PEA. Autumn and winter surveys can usually describe broad habitat types adequately, but even with full access many plant species (including invasive species) may be unidentifiable or died away all together.

Out-of-season surveys often provide information that usefully informs design and planning, but further surveys in spring or summer are usually required, and will be in this case.

Furthermore, the lack of access meant the site could not be systematically searched for evidence of protected species and therefore the assessment of suitability has been informed by a high-level scoping assessment and review of aerial photography.

It is apparent that an entirely insufficient study of the site has been undertaken to qualify the existing richness of ecology. The study also has a number of omissions which should easily have been picked up through basic level desktop research.

Much of the data on existing plants and animals is nothing more than guesswork in the absence of not checking and surveying the land in detail.

The almost complete omission of the bird species identified on Defra's Magic Mapping as needing protection (Yellow Wagtail, Corn Bunting, Turtle Dove and Tree Sparrow) raises concern – these species should have been addressed specifically.

Within the report the maps are inconsistent in the area of the development. Figures 3.1 – Biodiversity Hotspots Map and the Figure in Appendix B (Framework Master Plan) - which are the latest version of the development do not agree with the figures in Section 6. Specifically the figures in Section 6 do not include the land north of the Old Railway Line up to the A20, ignore the impact of the Waste Water Treatment Plant, and still includes land that has been formally removed from the development site redline.

In response to the regulation 18b consultation in December 2020, SOHL stated:

"SOHL objects to this consultation being undertaken without the benefit of full environmental surveys. Whilst it is acknowledged that the consultation process is iterative this oversight fails to acknowledge the significance of the proposed garden community spatial policies and their inevitable impacts."

It is disappointing that no material progress seems to have been made in 12 months and that our request for more detailed and accurate environmental surveying has been ignored.

All this leads to the conclusion if the Biodiversity Report is not available and we know errors are inherent in this September 2021 Ecology Report how can the Net Biodiversity Gain be determined and any certainty placed on the ability to deliver a 20% gain.

Appendix F
COMMUNITY ENGAGEMENT REPORT

Submitted for Regulation 19

12 December 2021

A catastrophic failure to consult

The promoters (Maidstone Borough Council & Homes England) for the Heathlands garden settlement have catastrophically failed to engage with the local community in which their vast proposal affects.

The idea of a proposed new garden community at Lenham Heath leaked to the local media in May 2019 following a private committee meeting of the Council's Policy & Resources Meeting.

In the preceding two and a half years, Maidstone Borough Council (MBC) has not undertaken a single specific consultation activity to gauge views of local residents directly and indirectly affected by this proposal. It has also failed to properly engage and keep updated Lenham Parish Council in this time.

The National Planning Policy Framework makes numerous references to the need for plan-making to involve communities at an early stage to help shape policies. Paragraphs 16(c), 25, 73 and 133 all make reference to the need to engage local communities.

The Town & Country Planning Association (TCPA) Garden City Principles which the promoter has committed to, includes a principle to ensure *strong vision, leadership and community engagement*.

Nearly every representation made on policy LPRSP4(A) Heathlands Garden Settlement for Regulation 19 will cite a failure to consult with the local community. Residents are scathing about the approach in which the Borough Council as promoter has gone about developing this proposal.

Pre-determination

SOHL maintains that the selection of Lenham Heath as a site for a proposed council-led garden community has been pre-determined from its inception. From the outset, MBC has claimed that they undertook a study into suitable locations for a garden community in the borough. Their website has stated since 2019:

"The Council undertook a borough wide analysis of possible locations for a garden community, considering the various opportunities and constraints of each to include environmental, landscape, infrastructure, heritage and topography considerations. The land to the east of Lenham was not the only possible suitable location but simply the one favoured by the Council to explore further in terms of a Council led proposition."

To date, MBC have been unable and unwilling to be able to evidence the borough-wide analysis of possible locations. We maintain that this evidence does not exist. We believe MBC has "backfilled" the evidence base to justify a pre-determined position on Lenham being a location for a new garden community, despite it being in an inherently unsustainable location.

Our position on this is qualified by the Sustainability Appraisal citing the Heathlands proposal as the least sustainable of the garden community propositions.

What SOHL has done to date

SOHL has spent over two years being the local source of information on Heathlands. We have been the ones that have regularly kept the community updated on MBC's activity on the project in the absence of any communication or contact from the promoters. As an example of some of the events and activity we have done:

Monday 14 October 2019: SOHL calls a residents meeting in Lenham Heath and Charing Heath village hall to update locals on what we know so far. Ward councillors, Tom & Janetta Sams addressed over 200 attending residents and accused the borough council of a 'hush-hush plan' devised behind the backs of local residents, councillors and MP.



Sunday 17th November 2019: SOHL hold a drop-in event at the village hall for residents who are desperate for more information on the project they read in the paper but information from MBC is less than forthcoming. SOHL provide as much information as they know on the first masterplan and its limitations.



Wednesday 18th December 2019: SOHL hold a protest outside Maidstone Town Hall ahead of Full Council meeting following the publication of the Call for Sites analysis.



Friday 24th January 2020: SOHL organise a further residents meeting and summon the Leader of the Council and Director of Regeneration & Place to face residents. Helen Whately MP attends the meeting too, telling residents ""I am unhappy with this direction of travel, it feels like the community has not been involved. The MP is usually involved in consultation, but the first time I saw this was in the local media - that's not the way the process should work."



March 2020: Pandemic hits and first lockdown begins. All face to face contact put on hold.

30th August 2020: SOHL hold an outdoor residents briefing to update them on the second masterplan which was public in July 2020 but not communicated to residents. Many residents still find their land in the redline of the development and are concerned that they have had no contact from the Council and the threat of Compulsory Purchase worries many.



2 November 2020: On behalf of 19 small landowners, SOHL instruct lawyers to demand MBC remove over 63 acres of land from their masterplan redline of landowners who have never given permission for their land to be included.

Press Release: Small landowners demand the removal of their land from Maidstone Council's Heathlands Garden Community plans

Today, Knights Solicitors have formally instructed Maidstone Borough Council to remove over 63 acres of land owned by small landowners from its ill-fated Heathlands Garden Community masterplan or face legal action.

Save Our Heath Lands commissioned Knights on behalf of a group of small landowners to write a formal letter of complaint to the Council, demanding that the masterplan is revisited and redrawn to remove the parcels of land from the proposed scheme immediately.

The Council's decision to include over 63 acres of land owned by small landowners in its masterplan, without seeking permission, has been met with outrage.

21 & 26 November 2020: SOHL holds two Community Webinars with Helen Whately MP ahead of the Regulation 18b consultation launching. Residents remain deeply frustrated and upset by the lack of any consultation from the promoter, MBC.



18th November 2020: SOHL present a petition to MBC's Strategic Planning & Infrastructure Committee with over 4,500 signatures (3,800 online and 700 written) calling for a rethink on the use of garden communities as a policy option.

[Petition details](#) [Comments](#) [Updates](#)

Enough is enough - Maidstone's Housing & Infrastructure



 **Kate Hammond** started this petition to Maidstone Borough Council


We the undersigned request our Elected Representatives in Maidstone Borough to:

- Challenge and campaign against National Government's Housebuilding targets.
- Rethink the building of Garden Communities.


Petition Closed

This petition had 3,833 supporters



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The full wording of the petition reads:

We the undersigned request our Elected Representatives in Maidstone Borough to:

- *Challenge and campaign against National Government's Housebuilding targets.*
- *Rethink the building of Garden Communities. They are not an appropriate planning policy for the Borough of Maidstone, especially in places like Lenham Heath, Marden and Langley as perfect examples.*
- *Not accept new housebuilding levels that are unsustainable for the Borough of Maidstone.*
- *Complete a full infrastructure assessment before the Local Plan Review and ensure all historical infrastructure issues are rectified across the Borough before projects commence.*
- *Be transparent and engage Parish Councils and local communities before any final decisions are made with regards to planning and new developments in the area.*

December 2020 – May 2021: Further lockdowns caused by pandemic and reduced social contact. SOHL keep residents updated with what is going on in the absence of anything from MBC through regular social media postings and newsletters.

16th October 2021: SOHL run an Information Day event in partnership with Lenham Parish Council to update residents on the third masterplan published in September 2021 by the promoter (MBC & Homes England) who fail to communicate anything to residents. Over 100 residents attend to find out more.



31st October 2021: Lenham Day of Protest. Over 200 residents protest against Maidstone Council's plans for Heathlands at the village hall. MBC were due to run a consultation event on Heathlands at the start of the Regulation 19 public consultation using their hired PR agency WeareFabrick. The Council and PR firm cancel the event because of the opposition from residents locally.



28th November 2021: SOHL and Lenham residents take part in the county-wide Save Kent's Green Spaces Day of action.



SOHL community engagement

SOHL has engaged widely with the local community and further afield over the last two years to raise awareness of Maidstone Council's plans and to arm residents with information in the absence of the promoter doing any formal consultation.

We have delivered over 15,000 leaflets, run an informative and active Facebook page with over 500 followers, have a very comprehensive website (www.saveourheathlands.co.uk) and a regular newsletter to over 500 people.

We have been commended by our local MP, county councillor, other borough councillors, parish council and others on running such an effective campaign to keep residents updated. Without SOHL, residents would still probably be waiting for basic information from MBC.



Appendix G
LAND AVAILABILITY TIMELINE

Submitted for Regulation 19

12 December 2021

The following timeline presents how the discussions and negotiations have played out over 3 years in respect to assembling the land for the Heathlands garden community proposed development. It is clear up until today that the land deals are still not in place and that certainty can not be placed on deliverability for this project.

<u>Date</u>	<u>Action</u>	<u>Evidence/Information</u>
25 May 2019	MBC deadline for Call for Sites submissions	https://localplan.maidstone.gov.uk/home/local-plan-review/call-for-sites
	"Heathlands" is number 289	https://drive.google.com/drive/folders/1uCH4Q8tjIZpNECOItI7bkPAB5C5L5ZCF
Various times since November 2019	<p>SOHL Complaint: MBC did not have Landowner consent at the date of submission of the proposal to the Call for Sites.</p> <p>There are roughly 149 landowners within the Heathlands 1st Iteration red line. MBC did not have 1 landowner consenting at this time.</p> <p>This is a process issue.</p> <p>The "Heathlands" application should have been eliminated at the start due to its failure to meet the criteria. Therefore, bias on MBC's own submission. All other call for site submissions had landowner approval.</p>	<p>MBC submission document guidance: https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/call-for-sites/Guidance-on-making-a-submission.pdf</p> <p>Page 3 – "Note on availability: It is important that the submission includes confirmation from the landowner (or the person in legal control of the site) that the site will be available for the development being proposed. This is key to demonstrating that the site is genuinely available. "</p> <p>Heathlands submission form:</p>

		<table border="1" data-bbox="768 177 1845 368"> <tr> <td data-bbox="768 177 1030 368">13. Do you have the landowner's permission to submit this site?</td> <td data-bbox="1030 177 1845 368"> <p>Yes, with the principal landowners.</p> <p>Discussions with other landowners are ongoing.</p> </td> </tr> </table> <p data-bbox="768 427 1805 568">14. If you are not the landowner, or are not working on behalf of the landowner, or the site is in multiple ownerships then please provide the name, address and contact details of the landowner(s):</p> <table border="1" data-bbox="768 592 1845 746"> <tr> <td data-bbox="768 592 1845 746">Discussions with the landowners are ongoing.</td> </tr> </table> <p data-bbox="734 770 1128 807">Section 4: Availability</p> <table border="1" data-bbox="725 839 1915 1002"> <tr> <td data-bbox="725 839 1043 1002">28. Is the site available for development now?</td> <td data-bbox="1043 839 1915 1002">Discussions with relevant landowners are ongoing.</td> </tr> </table>	13. Do you have the landowner's permission to submit this site?	<p>Yes, with the principal landowners.</p> <p>Discussions with other landowners are ongoing.</p>	Discussions with the landowners are ongoing.	28. Is the site available for development now?	Discussions with relevant landowners are ongoing.
13. Do you have the landowner's permission to submit this site?	<p>Yes, with the principal landowners.</p> <p>Discussions with other landowners are ongoing.</p>						
Discussions with the landowners are ongoing.							
28. Is the site available for development now?	Discussions with relevant landowners are ongoing.						
June 2019	Controversy within Council for keeping new garden community location secret	https://www.kentonline.co.uk/maidstone/news/council-accused-of-culture-of-secrecy-over-housing-206385/					
June 2019	Initial contact with 9 Principal landowners	Initial contact by Barton Wilmore (BW) – Planning consultants for Maidstone Borough Council (MBC) to Principal landowners. The first approach to the "Principal Landowners" (9 principal landowners) was made by mail and visits from Huw Edwards of Barton Willmore in June 2019.					

		<p>Huw Edwards was driving around knocking on Landowners doors at that time trying to find out who owned the land. This was after MBC had decided where the Heathlands development would be situated.</p> <p>The 9 principal landowners were targeted as BW believed they owned 80% of the proposed 300ha development site.</p> <p>In order to see MBC's Plan landowners were asked to sign a Confidentiality Agreement (CA) (all the original Principal Landowners signed - except one). The signing of the Confidentiality Agreement with Barton Willmore was made a condition of meeting with MBC at Barton Willmore's offices on 25th July 2019. This CA is not time limited but as the project has changed so much is probably invalid (**one landowner modified their CA so were able to talk to anyone about it).</p> <p>MBC agreed to pay for a lawyer (Jonathan Cavell of ASB Law) to represent the 8 Principal landowners who had signed the CA. The Principal Landowners had requested MBC pay for each to have an individual legal representation; this was refused by MBC.</p>
25 July 2019	First meeting of Landowners	The 8 Principal landowners met with MBC for the first time at BW offices.
August 2019		The landowners had a further meeting amongst themselves on 30-8-2019 at ASB Laws offices which included the Solicitor and Land Agent - but not council officials - a list of questions were drawn up which the landowners made a condition of meeting MBC officials.
September 2019		<p>A letter was sent to the Principal Landowners by William Cornell dated the 28-8-2019 - which they actually got towards the end of the first week of September 2019 - which was the offer being made to the Principal Landowners - this had the £150K per acre number quoted but had so many conditions the view of the Principal Landowners was it was worthless.</p> <p>The second meeting the landowners had with MBC was on the 9-9-2019 at BW offices. MBC tried to get the Principal Landowners to sign/agree to a Lock-in/Exclusivity Agreement at the meeting - the Landowners refused and the meeting broke up with bad feelings all around.</p> <p>MBC then via the Landowners Solicitor (ABS Law who MBC were paying) - got the Principal Landowners (with it is believed the exception of Brett Aggregates) to sign a Lock-in/Exclusivity Agreement on the 18-9-2019 - this was time limited to the 20-12-2019 at which point it lapsed and no-one would sign an extension. The purpose of the Lock-in agreement was to stop any</p>

		principal landowners from selling their land to another party or speaking to a land agent or other entity about a potential sale.
26 th Sept 2019	Lenham Parish Council and Residents informed of MBC's proposal	The press published MBC's "Heathlands" proposals following a decision at the Council's P&R Committee agreeing to go public. This was the first time Lenham Parish Council (LPC), MP, KCC representative and residents of Lenham Heath were alerted to the potential development. A meeting was speedily arranged with MBC and LPC to appraise them of the plans.
4 th November 2019	MBC published the Call for Sites submissions.	Public able to view the submissions.
December 2019		Lock-in/Exclusivity Agreement expired on the 20 th December 2019. None of the principal landowners signed up to another one. A group of the Principal Landowners got together in a meeting organised by one of the principal landowners towards the end of 2019 and sent a list of complaints/reservations about the way MBC were running the project and the position the Principal Landowners were being put in - no reply from MBC was made to this letter.
February 2020	Principal landowners received Heads of Terms agreements.	In February 2020 the 8 principal landowners were sent a Heads of Terms Agreement (dated 17-1-2020) by MBC. We are fairly sure none of the 8 principal Landowners did not agree or sign this contract. At this point MBC decided to exclude 3 of the principal landowners from further negotiations - while still including part of their land in the modified Village Proposal.
24 th June 2020	Policy & Resources Committee meeting – Heathlands update	Report states: <i>The five principal landowners remain committed to the proposals</i>
21 st July 2020	Policy & Resources Committee meeting – Heathlands update	Report states: <i>The position with the principal landowners is unchanged since the last report, and preliminary discussions have taken place with the landowners north of the railway in terms of the two access roads that would be required (via their agent).</i>
21 st October 2020	Policy & Resources Committee meeting – Heathlands update	Report states: <i>The five principal landowners and the additional landowners to the north of the railway line are fully briefed and are aware that commercial negotiations will need to recommence and proceed at pace after the November SPI decision (assuming that it is a positive decision). They are also aware that these negotiations will now include HE too.</i>

2 nd November 2020	18 Small landowners requested MBC to remove their Land holdings from the "Heathlands" masterplan	Knights Solicitors on behalf of 19 landowners and SOHL demand that 63 acres of land belonging to these small landowners is removed from the development redline as no prior permission has been given to include.
9 th November 2020	Public Question to Chairman of SPI committee	<p>Public question SOHL asked: The Council's guidance for making a submission to the Call for Sites last year explicitly states: <i>"It is important that the submission includes confirmation from the landowner (or the person in legal control of the site) that the site will be available for the development being proposed."</i> Please confirm how many of the call for sites submissions you are actively considered as part of your emerging spatial strategy do not have landowner agreement to develop and therefore pose significant risk to the deliverability of your new Local Plan?</p> <p>David Burtons (Chairman of SPI) answer: Thank you on the forms that were required to be submitted with site proposals promoters were asked to confirm the submission asks for confirmation from the landowner or the person in legal control site that the site will be available for development being proposed. I am not aware of any that did not meet these criteria.</p> <p><i>Supplementary: Landowners within Site 289 (Heathlands Garden Community), have expressly stated that they do not give you permission to use their land in this garden community proposal. Do you agree that this site should therefore be removed as a potential development site in order to avoid risking the whole Local Plan failing at public examination stage?</i></p> <p>David Burtons (Chairman of SPI) answer: I have sought confirmation from the spatial planning team officers and they are satisfied there is sufficient potential to be able to proceed to the next stage.</p>
25 th November 2020	Policy & Resources Committee meeting – Heathlands update	Report states: <i>The five principal landowners and the additional landowners to the north of the railway line are fully briefed and are aware that commercial negotiations will need to recommence and proceed at pace following the November SPI decision, and the next meeting with their advisor has been scheduled. They are also aware that these negotiations will now include HE too.</i>

		<p><i>As promoter of the Heathlands proposal the Council has always been clear that it was focussing its initial discussions on the principal landowners in the vicinity and that if the project does start to gain traction, it would then seek to expand these discussions to include the smaller landowners too.</i></p> <p><i>Given the positive decision by SPI, this broader dialogue will now be opened in the coming weeks. Indeed, a group of smaller landowners wrote to the Council on 2nd November stating that they did not want their land to feature in the proposals, and the Council has instructed its solicitor to prepare an initial response to them. Regardless, the definition of the redline and masterplan for Heathlands remains an iterative process, and so there will be some scope to consider the wishes of different landowners and stakeholders, without compromising the overall proposal.</i></p>
16 th December 2020	Policy & Resources Committee meeting – Heathlands update	Report states: <i>There are no substantive updates to provide since the last Committee meetings. However key meetings with the representative of various landowners are scheduled to occur during the month of December.</i>
20 th January 2020	Policy & Resources Committee meeting – Heathlands update	Report states: <i>Constructive dialogue continues with the five principal landowners (to the south of the railway line). As per the LPA's request that some development be explored to the north of the railway line, preliminary discussions have taken place with those additional landowners affected, and these discussions will continue over the coming weeks. Therefore, it is possible that the overall redline may be refined during the current quarter and this next iteration of the redline (and masterplan) will be an integral element of the third stage submission.</i>
9 th February 2021	Public Question to Chairman of SPI committee	<p>Public question SOHL asked:</p> <p>At the 9th November 2020 SPI meeting, in response to our question about whether sites included in your Local Plan Review Preferred Approaches had permission from landowners affected, you said: "on the forms that were required to be submitted with site proposals, promoters were asked to confirm that the submission included confirmation from the landowner or the person in legal control of the site that the site will be available for development being proposed. I am not aware of any that do not meet these criteria." Site 289 Heathlands Garden Community does not meet the criteria as a large majority of the landowners were not aware of the submission nor did they give their permission for their land to be developed on as set out in the promoter's masterplan. Do you wish to place on record that the officer advice you received to our question in November was factually incorrect?</p>

		<p>David Burtons (Chairman of SPI) answer: Thank you, I have been assured by officers that sufficient land is available for the Heathlands proposal to proceed in a coherent manner.</p> <p>Supplementary: <i>Are you content for a site without landowners' permission being submitted to the Planning Inspector later this year as part of your proposed new Local Plan?</i></p> <p>David Burtons (Chairman of SPI) answer: As I have said I have been assured that there is sufficient land available for the Heathlands proposal to continue to be worked upon. If you have specific information to the contrary Maidstone as Local Planning Authority would welcome you sharing this.</p>
19 th February 2021	Policy & Resources Committee meeting – Heathlands update	<p>Report states: <i>Constructive dialogue continues with the principal landowners and / or their representatives, with the discussion focussed upon the proposed terms put forward by HE.</i></p> <p><i>It is probable that the overall redline will be refined within the stage 3 masterplan, so as to take onboard direction from the LPA, with a reduced number of landownerships within it. Regardless, the revised masterplan will once again safeguard existing homes in the locality inclusive of the provision of green buffers around them.</i></p> <p>William Cornall MBC's Director or Regeneration and Place confirmed to members that a letter of intent had been signed by principal landowners.</p> <p>From SOHL's understanding, no principal landowner has signed a letter of intent.</p>
24 th March 2021	Policy & Resources Committee meeting – Heathlands update	<p>Report states: <i>Constructive dialogue continues with the principal landowners and / or their representatives, with the discussion focussed upon the proposed terms for the Option Agreement put forward by HE. The expectation is that the Option Agreements will be entered into in Q1 of the next financial year.</i></p> <p><i>Whilst the proposed redline is still being refined, with the development shifting northwards, it is likely that there will be a much-reduced pool of landownership parcels required to deliver Heathlands.</i></p>

		<i>At this stage, it is therefore probable that all 18 landowners that had previously requested that their landholdings be removed from the proposal, can be obliged. Regardless, the revised masterplan will once again safeguard existing homes in the locality inclusive of the provision of green buffers around them.</i>
23 rd June 2021	Policy & Resources Committee meeting – Heathlands update	Report states: <i>A key focus has been bringing the engagement with the 8 principal landowners to a conclusion in the form of an option agreement. Homes England advise that good progress has been made. Heads of Terms covering the main commercial points for the agreement are agreed. There has been productive dialogue in response to assurances sought on a few detailed matters. The expectation is that the Option Agreement will be entered into in the next few weeks.</i>
15 th September 2021	Policy & Resources Committee meeting – Heathlands update	<p>Report states: <i>The Collaboration Agreement was signed on 31st March 2021. The main focus since then has been to develop the latest submission of the masterplan documents to the LPA and to advance the discussions with the 8 principal landowners. In terms of the latter, matters are now very close to reaching a positive conclusion, with the documents in their near final form.</i></p> <p>Cllr David Burton, P&R Chairman, confirms in response to SOHL public question that option agreements are due to be signed 'very, very imminently' and that the delay was down to solicitors being on holiday. [even though it later transpires landowners hadn't even had final option agreements until 4th October]</p>
4 th October 2021	Principal Landowners issued with final option agreements	Confirmed by 20 th October P&R committee report and by landowners.
20 th October 2021	Policy & Resources Committee meeting – Heathlands update	<p>Report states: <i>Homes England has reported that all the option agreements, now in their final form for each landowner, were issued during the week commencing 4th October. The landowner's agents have subsequently commenced the process of reviewing the final versions with each landowner in person prior to signing. It is envisaged that the majority of these agreements will have been entered into by the end of this month.</i></p> <p>Cllr David Burton, P&R Chairman, confirms in response to SOHL public question that option agreements are due to be signed at the end of October and he is 'very, very confident' that they will meet this deadline.</p>

<p>24th November 2021</p>	<p>Policy & Resources Committee meeting – Heathlands update</p>	<p>Report states: <i>HE has reported that all the option agreements, now in their final form for each landowner, were issued during the week commencing 4th October. The landowner’s agents have now concluded their briefing meetings with all but one of the principal landowners, this final meeting is due to take place w/c 15th November. It is envisaged that the majority of these agreements will have been entered into by the end of this month.</i></p> <p>Cllr David Burton, P&R Chairman, confirms in response to SOHL public question that getting option agreements signed is a bit like buying a house. It doesn’t quite go to planned timescales but he is confident that they’ll have them agreed by the end of October.</p>
<p>12th December 2021</p>		<p>To the best of our local knowledge, option agreements have still not been signed by principle landowners</p>

Appendix H

REGULATION 18B CONSULTATION RESPONSE

Strategic Planning Team
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 6JQ

22nd December 2020

Dear Sir/Madam,

Response to Maidstone Local Plan Review (LPR) Regulation 18b Preferred Approaches Public Consultation

Save Our Heath Lands (SOHL) is a volunteer organisation formed in September 2019 in response to the Council-led garden community proposed for Lenham. SOHL has overwhelming local support from residents in Lenham and the surrounding villages. This is evidenced by the unprecedented support for our 2020 petition which attracted over 4,500 signatories, our community meeting organised in January 2020 which was attended by nearly 300 residents, and a large social media following.

SOHL is not anti-housing. We believe housing should be placed in sustainable locations that meet local housing need. We support Lenham's Neighbourhood Plan which provides for over 1,000 new homes in the village over the next ten years. We believe Lenham has accepted significant future housing growth, disproportionately more than other Rural Service Centres in the borough.

This letter forms a constructive response to your Regulation 18b Preferred Approaches public consultation. It chiefly focuses on the Heathlands Garden Settlement and the respective draft policy SP4(a).

SOHL fiercely opposes the inclusion of this new policy SP4(a) in your next Local Plan. Our reasons for this are set out herewith.

Spatial Vision & Objectives (Section 4)

SOHL notes the overarching vision and supporting objectives. Whilst we broadly support them, we do not believe the objectives are incongruous. The proposed new garden settlements at Lenham and Lidsing in objective 1 cannot be delivered in conformity with the other stated objectives. New garden settlements cannot maintain the distinctive character of Rural Service Centres in objective 2 for example, nor can they meet protection of the built environment and heritage in objective 3, improvement of air quality in 4, protection of green and blue infrastructure in 9, nor support the Council's carbon neutral target and reduce climate change in objective 11.

Housing Needs & Supply (paragraphs 5.6 to 5.12)

Lenham Parish Council (LPC) has recently presented to the Local Planning Authority (LPA) analysis of housing land supply and windfalls. SOHL endorses the Parish Council's preferred approach to windfall supply and the recommended adoption of a 'moderate approach'. This would reduce the quantum of residential growth across the borough set out in Table 1.3 (Growth locations) and the need for such ambitious numbers through garden settlements. We recommend the LPA adopt a more realistic approach to windfalls when calculating its Local Plan Review (LPR) housing need figure in paragraph 5.12.

Settlement Hierarchy & Garden Settlements (paragraphs 5.20 to 5.26)

SOHL disagrees with the proposed settlement hierarchy. The inclusion of Garden Settlements and Heathlands more specifically, does not accord with paragraph 5.20 where it is stated that '*development must be delivered at the most sustainable towns and village locations in the borough where employment, key services and facilities together with a range of transport choices are available or accessible.*' Heathlands would be placed in an isolated location remote from the main centres of employment at Maidstone, the Medway Towns and Ashford, without sufficient sustainable transport access. We would therefore dispute the conformity of the proposed settlement hierarchy in respect of the National Planning Policy Framework (NPPF)'s range of objectives for achieving sustainable development.

We disagree with the statements made in paragraph 5.24. Heathlands is not a suitable and deliverable opportunity to deliver growth, nor is it in a sustainable location. The promoter of the scheme (Maidstone Borough Council) has not demonstrated to date how their proposed scheme would be delivered in accordance with the garden community principles either.

Paragraph 5.25 states that Heathlands '*will be focused on the delivery of a new rail station on the Maidstone-Ashford line*'. The LPA's own Initial Infrastructure Feedback on LPR Growth Locations confirmed that Network Rail has 'little support' for a new station on the line at Lenham Heath. We request that wording in this paragraph is changed from '*will be focused*' to 'will be dependent'.

Paragraph 5.32 states that '*the individual identity and character of settlements should not be compromised by development that results in unacceptable coalescence.*' We do not believe the Heathlands garden settlement is in conformity with this statement. The current boundary of the promoter's site is less than 0.6km from the Lenham village settlement boundary and will not provide a sufficient enough gap to protect Lenham's historic identity and character.

Development of the Preferred Approach (paragraphs 5.42 – 5.43)

There remains no clear rationale as to how the preferred approach has been limited to two Garden Settlements (Lenham and Lidsing), at the expense of the Marden proposal. If there is a 'clear political desire for garden settlements' as stated in 5.42, we would expect the most sustainable and deliverable garden settlement proposal(s) to be prioritised first. The independent Sustainability Appraisal of the Preferred

Approach as well as the Garden Settlements Assessment commissioned by the LPA both unequivocally confirm that Marden is most deliverable.

SOHL reluctantly understands the political desire for garden settlements to be included as a preferred policy approach. We do not, however, accept the decision-making process for how the garden settlement proposals have been allocated. It is clear that decisions have been politically driven to protect certain political strongholds in the borough.

SP4 Garden Settlements

SOHL recognises the value of new garden settlements in providing future housing and employment growth when they are proposed in the right locations. The Government's guidance on garden communities expects new settlements to be predominantly on brownfield sites, self-sustaining, locally-led and meet the garden community principles. We do not believe the two preferred garden settlements at Lenham Heath and Lidsing meet these core requirements.

The borough of Maidstone does not have suitable brownfield sites in sustainable locations which are available for this purpose. We therefore do not agree with the inclusion of this new policy in the next Local Plan which is advocating the significant loss of green space, and is not in conformity with the NPPF and its sustainable development objectives.

SP4(a) Heathlands Garden Settlement

SOHL strongly opposes the inclusion of this new policy on grounds that the proposed Heathlands garden settlement does not meet NPPF sustainable development objectives, the Maidstone Local Plan draft spatial objectives, nor policies in the Lenham Neighbourhood Plan 2017 – 2031 (LNP) which is to be given significant weight as a material planning consideration. SP4(a) is not in conformity with the countryside protection policy (CP1) of the LNP.

We strongly disagree with paragraph 6.71 which suggests that Lenham Heath is suitable for sustainable growth. Lenham is one of the borough's most isolated locations, furthest away from Maidstone Town Centre and equally of distance from other main conurbations including Ashford and Faversham. Due to Lenham's location, travelling to and from the village relies on a limited number of constrained radial routes with very few suitable orbital links. The village and its accesses are severed by the two rail lines and the M20 motorway.

We also strongly disagree with the additional statement in paragraph 6.71 suggesting the proposal is the only one that has passed the suitability and deliverability test in the Stantec Garden Settlements Assessment. This is a misleading statement and should be removed from this policy wording. The Stantec Part 1 report concluded that Marden and Lidsing were evaluated as suitable proposals with Heathlands/Lenham and Leeds/Langley corridor being considered suitable, subject to further investigation. The Stantec Part 2 report concluded that Marden was the most deliverable with Lidsing and Heathlands having significant challenges to overcome to be deliverable. Heathlands has the most significant supporting infrastructure requirement and

viability challenges. To claim that Heathlands is the *only one* to pass the two tests is disingenuous.

Paragraph 6.72 states that Heathlands '*has many of the preconditions for a strategically located development*'. We disagree with this statement. Heathlands would be strategically located for the motorway network only subject to a new junction being delivered. The prevailing national planning policy relating to transport and new development is focused upon achieving sustainable development and promoting travel by sustainable modes. We do not believe that Heathlands is strategically located for accessing employment, services, leisure and healthcare by public transport with a half hour rail service and an hourly bus service. Heathlands could be considered strategically located to the motorway network if a new junction was to be delivered, however we do not believe this is a compelling feature of this proposed growth location.

We have the following points to convey in regard to the specific proposed policy wording for SP4(a) and areas that have been omitted.

Garden Settlement Standard

We support all new garden settlements meeting a minimum standard. We would expect the next Local Plan to prescribe a clear standard within criteria to allow objective assessment to be undertaken.

Phasing & Delivery

We have significant concern with the overly optimistic delivery schedule that has been put forward by the promoter. The LPA have broadly adopted their optimism by assuming 1,600 units could be delivered by 2037. We do not believe this is a realistic build-out programme due to the complexities of assembling the land. We would also expect the occupation of the majority of units to be subject to a Grampian condition until new infrastructure, including the new railway station, is delivered and operational.

This section also needs to give greater significance to the mineral safeguarding of the western parcel and the impact this will have on phasing and delivery.

Masterplanning & design parameters

We do not support the promoter's density proposals for the site. Our view is that 50-75 dwellings per hectare should be reserved for genuine town centre locations like Maidstone town and around key transport nodes. Such densities around a new station on the Ashford mainline is not acceptable in an unsustainable location.

Employment/Commercial

The promoter's latest masterplan falls woefully short of the one job for every dwelling target recommended by the Town & Country Planning Association (TCPA). The proposal is for just 650 genuine new jobs with no provision in the first phase of the masterplan, the only phase delivered in the new Local Plan period to 2037. The provision of B2 (General Industrial) / B8 (Storage & distribution) is not appropriate in amongst residential development and no provision has been made within an already

space constrained masterplan put forward by the promoter. These uses also run contrary to the sustainable transport strategy ambition set for the development.

No evidence has been provided by the promoter or the LPA on whether Lenham would be an attractive employment site without a motorway junction.

Infrastructure

We request that a more prescriptive requirement is placed on 6(d) concerning the 50% publicly accessible open space which is currently concentrated on the southern part of the target site and severed by the M20 motorway and High Speed rail line with just one single access. Genuine publicly accessible space needs to be integrated into the fabric of the development and not just a country park 'add-on' to reach the 50% commitment. We would also request a secondary school is a core requirement of the policy given the scale. There is no evidence that the Lenham school has sufficient capacity for the LNP allocated 1,000 homes plus the Heathlands policy. Kent's selective school provision sees grammar schools located in Maidstone town centre which would rely on car borne journeys without a new train station or suitable bus service. The ambition for Heathlands to be sustainable and internalise trips as much as possible would require primary and secondary education to be provided on site rather than travelling outside.

Transport Considerations

In the absence of a full Transport Assessment being published by the promoter, SOHL sought to undertake its own independent Transport Appraisal based on publicly-available information, utilising modelling undertaken for the Transport Assessment for the Lenham Neighbourhood Plan and factoring in committed development and allocations. Our commissioned Appraisal indicates that the measures set out by the promoter and included within this policy fall woefully short to sufficiently mitigate a development of this scale. A comprehensive assessment of the M20 J8 and route to the proposed site needs to be undertaken to inform this section of the policy further before adoption. It also needs to consider the impact of other competing policies such as SP5(a) Potential Development in the Leeds-Langley Corridor which would place additional pressure on J8 and the surrounding network.

Area of Outstanding Natural Beauty (AONB) & Rural Setting

There is a significant area on the western half of the proposed scheme that will be visible from the AONB and that the topography and natural vegetation will be unable to mask the full extent of the scheme. The eastern part of the scheme has a restricted view and its impact on the AONB from a visual perspective is at this stage less.

The promoter has provided very little detail with regards to how it intends to protect the landscape and visual impact on the AONB. It is assumed that the promoter will have acknowledged the risks posed to the AONB and the surrounding area and given the LPA's commitments to preserving the 'Rural Setting', it is disappointing that this has been overlooked. Public support from the local community is a key element for any promoter and most important if that promoter is in fact a Borough Council. Failing to reassure the local community with regards to its intended actions only increases local resentment and will hinder deliverability.

Archaeological and listed buildings

Lenham Heath is highly important archaeologically. There is evidence of occupation from the Mesolithic period through to the Medieval and beyond. Much of this evidence still lies under the surface and could well be destroyed by building and construction work. 6(d) does not go far enough in protecting the archaeological significance of the site.

Section 4(c) needs to give due consideration to the nine listed buildings within the target site location.

Minerals safeguarding

The promoter's site falls within the safeguarded minerals area of the Folkestone Formation which is part of the Lower Greensand Group and is a unique part of the geological succession in Kent and the wider South East. Chapel Farm which forms the majority of the promoter's third phase and western parcel is a future mineral allocation in the Kent Minerals Site Plan (KMSP) as the only soft sand identified site. The scarcity of this commodity in the south east would expect to place priority for mineral extraction over housing on this site. A requirement in the KMSP is for this site to be sequentially worked to other quarries in the area, namely Burleigh Farm in Charing. As a result, Chapel Farm would not come forward until 2030 before an estimated 21 years of extraction followed by 5 years of restoration back to agricultural land. The availability of this site for housing would not be expected until at least the 2050s. Paragraph 6.73 understates this impact and uncertainty for the Heathlands development. The material consideration of the Kent Minerals & Waste Development Plan is silent within the Preferred Approaches. The LPA's plan on how they propose to deal with this conflict must be set out clearly.

Landownership & assembly

The promoter's target site location has over 140 existing landowners. This will make land assembly extremely difficult and this is underestimated in the deliverability of this proposal. This is understated in policy SP4(a). Furthermore, the public opposition from multiple landowners in the site redline is well documented and formally lodged with the promoter and the LPA. It is therefore perplexing how this site has been permitted to proceed to this stage of the plan making process without explicit consent from landowners, a core requirement of the Call for Sites process and, to the best of our knowledge, compliant in every other submission apart from Heathlands.

SP5(c) Lenham broad location for housing growth

We agree with the wording in paragraph 6.94 regarding a co-ordinated approach to development in Lenham and that any new development must not be a stand-alone community. Policy SP4(a) is not in conformity with this intent. Heathlands would be a stand alone community separate to the village of Lenham.

SP6(c) Lenham

We dispute the statement in paragraph in 6.106 which suggests that Heathlands is part of the LNP. Lenham Parish Council do not support the proposal for Heathlands and the LNP makes no such claim to make provision for it.

SP14 - 'The Environment'

Climate Change

The Cernunnos Centre Ltd has produced a detailed analysis of the Heathlands proposal and reported that *'CO2 emissions are likely to increase significantly both from transport, housing, and construction (including the building of the houses, commercial property and infrastructure).'*

This goes against the Council's stated aim to be carbon neutral and would contribute significantly to an exceedance of a localised carbon budget based on the Paris Agreement. The impact of traffic is exacerbated by the likely congestion that will be generated on the A20. This will also increase air pollution which will be detrimental to health. There would be a high probability of increased pollution in the Stodmarsh Nature Reserve, an internationally important site that has already had concerning increased levels of pollution.

In the alternate, the retention of ancient woodland and the Great Stour corridor plan is a positive, but this is not fully balanced against the loss of a natural habitat network which will be an overly negative outcome from an environmental and biodiversity perspective. The Council should be considering rewilding to improve biodiversity and this has to be integrated in a much more cohesive fashion, rather than as a 'bolt-on' appendage. It should also be actively supporting increased local food production to improve food security, especially given the UK's new trading arrangements with the European Union.

The Cernunnos report concluded that: *'Overall, it seems that this development will have a negative impact on climate change and biodiversity which would therefore be contrary to its (the Council's) declaration of the twin emergencies.'*

Ecology and environment

SOHL objects to this consultation being undertaken without the benefit of full environmental surveys. Whilst it is acknowledged that the consultation process is iterative this oversight fails to acknowledge the significance of the proposed garden community spatial policies and their inevitable impacts.

The locations of all proposed Garden Communities within the LPA's draft spatial strategy run contrary to NPPF guidelines and pre-existing local policies on the preservation of ecology and local environments. Maidstone Borough Council has continually acknowledged the significance of its rural settings and has in place numerous policies that have vehemently defended what it recognises as a rich and valuable asset. The proposed draft spatial strategy, with Garden Communities in treasured rural areas, will have negative ecological outcomes and will run contrary to clear long lasting policies.

Water and wastewater resources

As a Spatial Strategy the proposal for a massed housing development of over 5,000+ dwellings in the rural area of Lenham will increase the demand for water resources.

Whilst it is acknowledged that the Housing Targets as currently prescribed will inevitably result in this increased demand across the borough, the focus on a new settlement in an area which is vital to the wider supply of water (and waste water resources) across the region will have a far greater negative impact than would a more urban focused strategy. The replenishment of vital aquifers and the risk of pollution from increased nitrates is yet to be fully appraised.

The lack of a Habitats Assessment which should inform the Sustainability Appraisal needs to be addressed as a matter of urgency and we would expect an objection from Natural England on this point.

SS1 - THE BOROUGH SPATIAL STRATEGY (SS1) - Specifics

Economic Need

The Economic Development Needs Study (EDNS) highlights the specific pattern of economic development in the Borough of Maidstone and the immediate surrounding region. It concludes that current economic development is 'Urban Focused'. Retail premises, employment land and significant leisure/hospitality facilities are predominantly located within the urban areas, on the northern and western reaches of the borough and also around significant transport/communication nodes. An almost identical pattern to housing settlement.

The garden community proposals will rely significantly upon inward investment and a transformational modal shift. The evidence base in support of this ambitious spatial strategy does not indicate that this will be achievable and self-sustaining. Not only does this run contrary to NPPF guidelines but also undermines any notion that the garden community proposals will contribute to the fourteen sustainability appraisal objectives as set out as part of this consultation.

SOHL does not agree with the premise that a sound economic base can be created in the rural area of Lenham. The complete reliance on an iterative approach to economic development is to be avoided. The EDNS report highlighted current areas in the borough which are under-utilised, in need of redevelopment and sensitive to further local competition. As a priority, SOHL petitions this council to initially support and assist with redeveloping current existing employment and retail areas before diverting resources towards more ambitious objectives. The EDNS report highlighted the risk of introducing new competition and the risk that far from engendering local economic growth, this could divide the borough and lower the benefits with local economic resources being spread more thinly across a wider area.

Strategic Housing Market Assessment

The Strategic Housing Market Appraisal (SHMA) identifies a strong Maidstone Housing Market in the urban areas of Maidstone and areas to the west of the town centre where there are good transport connections and employment opportunities.

Heathlands is located some eight miles from the urban conurbation in an area where there has been no significant massed house building. The LPA's planning policies have

traditionally acknowledged the significance of the 'rural setting' and have sought to preserve these areas as important assets. Housing developments have therefore been carefully planned and located having regard to scale, demand and location. To change this approach and plan for a massed scheme of circa 5000+ houses would represent a radical change of direction that would be contrary to the SHMA's findings.

The report highlights changes to the local population and specific groups including those with special needs requirements, the 65(plus) age group and those in younger age groups. The key message from the SHMA report is that these housing groups have a specific demand for particular housing types and that these should be supplied in more urban areas. As a spatial strategy, the Garden Community proposals will be challenged to cater for the requirements of these groups. The preferred sites at Heathlands and Lidsing are too remote and the promoters have provided little detail with regards to how these particular groups will be supported and how the locational obstacles (so widely reported) will be overcome in comparison with opportunities that exist already within the urban areas of Maidstone.

Viability

The promoter of Heathlands has consistently restricted access to its detailed financial modelling and to date there has been no formal opportunity for interested parties to make a detailed appraisal, or review, as to how well the proposal performs in terms of financial viability. SOHL's own commissioned reports conclude that the proposal, when fully and impartially costed, will be unable to get close to a breakeven point.

The 'Maidstone Garden Communities Deliverability and Viability' report submitted as part of the evidence base for this consultation draws similar conclusions:

Para 6.5.6 *'Only small changes to the construction costs and sales values quickly makes the scheme unviable.'*

It's clear that many aspects of the scheme are yet to be fully established and as a consequence the full costs and likely income streams are not established. Much of the background evidence used by the promoter is clearly based upon substantial hope value and a blind faith that costs will remain static and contingencies set at unfeasibly conservative low levels. If the scheme has only marginal viability at this stage, further investigations are only likely to turn that viability into a loss making scenario and the promoter will be unable to offer landowners a realistic value for their land interests. The scheme is idealistic in its assumptions and has no realistic prospect of being a worthy recipient of the title 'Garden Community'.

Preparation, consultation and engagement of the Local Plan

Finally, we would like to formally lodge our disapproval with how the consultation and engagement on the Local Plan has been undertaken to date. Three weeks for the Regulation 18b consultation in the weeks leading up to Christmas, at the middle of a pandemic and national lockdown is not an acceptable time to be undertaking such a short consultation on this important plan making process. We expect the LPA to consider a much longer, accessible consultation at Regulation 19. We would also

appreciate more dialogue with the LPA on policy SP4(a) in the absence of the promoter's engagement which has been woeful and otherwise non-existent to date.

Yours faithfully

Kate Hammond
on behalf of Save Our Heath Lands (SOHL)