

PB

email: paul.burley@montagu-evans.co.uk

26 November 2019

James Freeman Esq
Swale House
East Street
Sittingbourne
ME10 3HT

Dear Mr Freeman

**Local Plan Panel 27 November 2019
Urgent Item – Updated Advice from AONB Unit**

We write on behalf of our client, Quinn Estates Ltd, in relation to the above. As you know Quinn Estates is promoting a new garden community, NS1, which includes a new motorway junction on the M2.

On Wednesday 27 November 2019 the Local Plan Panel is to consider an Urgent Item relating that that site – and specifically updated advice from the AONB Unit. We request that this letter be shared with all Councillors and considered alongside this Urgent Item.

The updated advice, sent as an email from the AONB Unit is that:

"I wish to bring to your attention concerns in connection with the New Garden Communities Assessment of Stage 2 submissions report by Peter Brett Associates (October 2019) that was considered at the above Committee meeting.

"The Kent Downs AONB Unit considers that the Report does not accurately reflect the Kent Downs AONB Unit's position in respect of site NS1: South East Sittingbourne and in particular at paragraph 4.9 of the report, where it stated that in the final sentence that "The AONB Unit consider that their concerns can be mitigated and therefore do not have a strong objection."

"At a meeting held on 19th August 2019 with Officers of Swale Council and a representative of Quinn Estates promoting the NS1 site, the AONB Unit advised that it considered it possible for some of the potential impacts on the AONB to be mitigated in part through a more sensitive design and location of development within the overall site area. The AONB Unit however remains of the view that the proposed new motorway junction, located partially within the AONB, represents a major development that would be contrary to planning policy and due to its nature, could not be satisfactorily mitigated in terms of impact on the AONB. Therefore, the Unit continues to object to the proposal."

This advice is in an email of 20 November 2019 (attached to the Local Plan Panel Report) from Katie Miller of the AONB to Cllrs Baldock and Bonney of Swale Borough Council.

We write specifically in relation to the comment that the motorway junction is contrary to policy.

In respect of AONBs paragraph 172 of the 2019 NPPF states that:

"The scale and extent of development within these designated areas should be limited. Planning 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."*

In that context, we request that the AONB unit provides an updated response, acknowledging that major development that meets the relevant tests in national policy is permissible and that their advice given within the email of 20th November is erroneous in this respect.

Furthermore, it should be clearly noted that the NPPF does not require the impact of major development that is in the public interest to be satisfactorily mitigated, it requires an assessment of the detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Our client is somewhat surprised by the nature and timing of this representation by the AONB Unit, and also that it was requested by and sent to Councillors rather than to Officers. It is particularly surprising because following a meeting attended by the AONB Unit's Planning Manager, SBC Officers, PBA and a representative of Quinn Estates, SBC Officers prepared a meeting note that was agreed with Ms Miller of the AONB Unit which informed the PBA report that followed.

The report recommends that members 1) note the updated advice from the AONB unit and 2) agree that the updated advice from the AONB unit be attached as an amendment to the PBA report.

We respectfully suggest that if that report is to be amended by the advice of the AONB unit their advice must first be accurate and ideally any update should be agreed by PBA so as to reflect PBA's professional judgement as well as relevant planning policy, in particular the criteria-based approach to major development in the AONB as set out at paragraph 172 of the 2019 NPPF that The AONB unit have failed to refer to.

Yours sincerely



P Burley
Montagu Evans LLP