



Development Control

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Your ref MA/07/2092
Our ref PTLs/TM/07/03931/A10
Date 24 April 2009

For the attention of Michael Thornton

Dear Michael

Article 10 Consultation by Maidstone Borough Council for outline application for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new rail sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity sub station, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration at Kent International Gateway Land West Of Junction 8 of M20 Maidstone (TM/07/03931/A10)

Following our meeting last Friday we undertook to review the comments made by this Council in respect of KIG in light of further material that has emerged in the public realm since we last wrote to your Council on 16 January 2009. Our comments at that time were as follows.

Tonbridge and Malling Borough Council considered the above planning application at its Planning & Transportation Advisory Board on the 8 January 2008 and wish to make the following comments on the application:

Maidstone Borough Council **BE INVITED TO CONSIDER** the factors set out below in reaching its decision on this case and unless these matters can be satisfactorily resolved the Council **RAISE OBJECTIONS** to the proposed development:



Development Control is a Division of Planning, Transport & Leisure Services
Director of Planning, Transport & Leisure Services: Steve Humphrey MRTPI
Chief Planner (Development Control): Lindsay Pearson BA(Hons) (Soc Sci) MSc DipTP MRTPI



INVESTOR IN PEOPLE

1. How the proposal should be assessed in relation to the SE Plan Panel's recommendations and whether the application is premature in advance of clearer national and regional policy on such major proposals of this nature,
2. How it can be satisfied that the impact of additional freight trains on the existing railway has been assessed and, if appropriate, mitigated,
3. How it can be satisfied that the estimated levels of transport impact of Heavy Goods vehicles on the M 20/A 20 corridor is correct and can be accommodated without additional pressure,
4. How it can be satisfied that the impacts of traffic on noise and air quality on M20 principally in the vicinity of junctions 4 and 5 have been adequately assessed and that appropriate mitigation is provided.

With regard to matter 1. above you will be aware that as a result of the lodging of the appeals in respect of KIG an alternative site has been put forward in the Borough at Platt /Borough Green. We have had some initial briefing from the promoters of this site but the level of detail remains limited and much work is still needed before it is possible to assess the proposal in detail. We understand the promoters intend to take part in the KIG Inquiry promoting this site as a viable alternative to KIG. It is clear that the site lies within the Metropolitan Green Belt (MGB) and partly within the AoNB. In light of its location within the MGB there is a presumption, generally expressed in PPG2 – Green Belts, against the development of the site and its role as a potential alternative site to KIG must be viewed in that light. To our knowledge the promoters have carried out no alternative sites study in relation to the site – either in respect of sites within or beyond the Green Belt. It is our view that **any alternative site proposed for the Green Belt** suffers from the primary presumption against development, as in PPG 2, which can be set aside only by a case of “very special circumstances” that would need to prove, beyond doubt, that no better alternative site exists beyond the Green belt before then making comparative assessment of specific within the Green Belt. We note that the site is not identified as a potential alternative in the MDS Transmodal Report (May 2008) produced on behalf of KIG and we understand was not included in the initial work commissioned by your Council in connection with alternative locations.

You have kindly shared with us work on alternative locations, including those focussed on the M 20 corridor, and a comparative analysis with the KIG proposal. From our initial assessment of this it seems that the sites on the M 20 corridor in Kent including the Borough Green site, the location near Offham and the KIG proposal itself are all unacceptable in planning policy terms. There may well be differences between them in terms of accessibility and technical merit but in planning terms they all show a very significant degree of conflict with national, regional and local planning policy. The sites identified in Tonbridge and Malling in particular carry the specific constraint of Green Belt policy and should not be regarded as in any way worthy of further consideration unless very special circumstances can be sustained **and** more suitable alternative locations cannot be found that address policy and locational parameters of the various planning policies that apply.

We remain of the view that the information that we have been able to review does not allow a full assessment of matters 2, 3 and 4. The Borough Council's officers are continuing to liaise with your Council's specialist staff to establish parameters to test these issues but unless and until further comprehensive data is supplied through the appeal process I must reserve the Council's position on these matters. The receipt of further such data would allow Tonbridge and Malling Borough Council to make a more meaningful assessment of the potential impacts on this Borough.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lindsay Pearson', written in a cursive style.

Lindsay Pearson
Chief Planner (Development Control)