

**Wrotham**

Wrotham, Ightham And  
Stansted

**21 February 2024**

**TM/23/00681/OAEA**

Proposal: Outline Application (all matters reserved except access):  
Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works – Application supported by an Environmental Impact Assessment

Location: Land part of Wrotham Water Farm off London Road Wrotham Sevenoaks Kent

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## **1. Description:**

- 1.1 This is a major planning application made in outline form, for the construction of a large truck stop facility for up to 200 heavy goods vehicles (HGVs), a fuelling station, an amenity building of up to 1,100sqm, and all associated highways alterations, including a new access point on the A20 roundabout and internal roads. Additionally, there would be new landscaping and other associated works.
- 1.2 The proposed development falls within Schedule 2 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such has been subject to Environmental Impact Assessment (EIA).
- 1.3 As such, an Environmental Statement (ES) has been submitted as part of the planning application. This is prepared to assess the environmental effects of the development in line with the statutory requirements contained within the Regulations. The purpose of the ES is to inform decision making by explaining the likely significant effects that the development may have on the environment during construction and once it is complete and how they can be avoided or reduced. The EIA has been informed by a series of technical studies which form part of the ES. These studies include surveys, calculations and other forms of modelling as necessary.
- 1.4 The Environmental Impact Assessment covers the following areas: Ecology, Landscape and Visual Impact Assessment, Water Resources and Flood Risk, Agricultural Soils, Cultural Heritage, Traffic and Transport, Air Quality, Noise and Vibration, and Lighting. Each topic assessment is designed to attach a level of significance to the identified effects (both positive and negative), i.e. either major, moderate, minor or negligible. Short and long-term (temporary and permanent), direct and indirect effects have been assessed. The EIA Regulations require that 'cumulative' effects are also considered in the ES. 'Residual effects' are defined as those that remain after mitigation measures have been implemented.

- 1.5 The submitted ES meets the requirements of the EIA regulations. On this basis the contents and conclusions contained within the ES are considered throughout the detailed assessment of the scheme which follows.
- 1.6 The application is made in outline, with all matters reserved except access. However, some fixed parameters on the size of the buildings are sought to provide certainty on the assessment of relevant impacts. For example, the amenity building would be to a maximum height of 6.2m, and the fuelling station is sought to a maximum of 7.3m. The general extent of the main aspects of the development are also provided, as noted the amenity building would be up to 1,100sqm. The final detail of the external design is reserved for future consideration, but these parameters, and the matters reserved for future consideration, could be conditioned if the application was recommended for approval.
- 1.7 The application is a resubmission of the previously refused application TM/21/02648/OAEA. The current application is supported by additional information to seek to overcome the previous reasons for refusal, which were as follows:-

*1. The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework.*

*2. The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs Area of Outstanding Natural Beauty through the introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 176 and 130 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.*

*3. The proposal has not demonstrated that the development could be delivered without an unacceptable safety impact and severe residual cumulative impacts on the local and strategic highways network, in fundamental conflict with paragraphs 110 and 111 of the National Planning Policy Framework, and policies CP2 of the Tonbridge and Malling Core Strategy and SQ8 of the Managing Development and the Environment Development Plan Document.*

*4. The development would result in harm to protected species through the provision of inadequate compensatory habitat, in conflict with policy NE3 of the Managing Development and the Environment Development Plan Document and paragraphs 174 and 180 of the National Planning Policy Framework.*

*5. The proposal would harm the amenity of neighbouring properties from the overspill of headlights in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document and paragraph 185(c) of the National Planning Policy Framework.*

1.8 The further information submitted in support of the current application expands on the need for the facility, additional highways information, additional ecological information and also measures to restrict overspill of headlights. The merits of the content of this information will be set out in the determining issues section of the report.

**2. Reason for reporting to Committee:**

2.1 Due to the strategic nature of the development.

**3. The Site:**

3.1 The site is comprised of an undeveloped parcel of agricultural land, approximately 6.5 hectares in size. It sits roughly to the north of junction 2A of the M26 Motorway, within the Wrotham Parish area of Tonbridge and Malling Borough.

3.2 To the immediate north and east of the site is a mix of linear developed areas, including those falling within the Major Development Site in the Green Belt, and some outside of it. This includes industrial B class units at Nepicar Park, and new ones under construction at the site of the former Oakdene Café. There are also some residential dwellings that front the road, alongside other uses like car repair garages, a petrol station and shop, offices, and further to the north The Moat Pub, a Grade II Listed building. Another Grade II Listed building also sits to the north, Moat Cottage.

3.3 Despite the presence of these built developments across the road and to the north, the site itself is markedly different in character. It is completely open and devoid of built development, with a gentle undulating character. The site frontage with London Road is generally open, with some mature hedging and tree screening around the south eastern corner of the site near the roundabout, and some more sporadic planting at intervals along the rest of the frontage. It forms part of a larger field which extends further to the west beyond the site boundaries.

3.4 The site lies wholly within the Metropolitan Green Belt. It also sits immediately adjacent to the Kent Downs National Landscape (formally known as Area of Outstanding Natural Beauty (AONB)) which covers the northern side of London Road. There are no other relevant designations covering the site, which lies outside of a flood zone, SSSI, Conservation Area or settlement boundary.

3.5 The site has some planning history, set out below this section. Of most relevance are TM/21/02648/OAEA, which was refused for the reasons given above; and

92/10028/OUT, for a broadly comparable form of development comprising a motorist's service area, filling station, restaurant, shop, toilets, AA office, car & lorry parking. This development was dismissed on appeal. The implications of this case are considered in further detail under the planning assessment section.

- 3.6 Overall, despite the presence of development along the northern side of the road, the development site itself retains a wholly rural and open character. It is clearly different to the built development nearby and provides for an open buffer to the wider countryside to the west. The character of the site itself can therefore be described as strongly rural; the character of the site vicinity is more mixed with the presence of residential / industrial buildings opposite. But despite their presence, the wider area is still clearly rural, and does not have the character of a built up area or settlement.

#### 4. Planning History (relevant):

TM/55/10613/OLD Refuse 7 July 1955

O/A for one Dwelling and Garage with access. Nepicar  
London Road Wrotham

TM/61/10857/OLD Refuse 21 June 1961

An outline application for residential development.

TM/92/10028/OUT Refuse 26 February 1992  
Appeal dismissed 19 November 1992

Outline application for motorists service area comprising filling station, restaurant, shop, toilets, AA office, car & lorry parking. Land adjoining west side of A20 –  
Nepicar London Road  
Wrotham

TM/11/01305/FL Application Withdrawn 23 September 2011

Erection of an agricultural fodder store

TM/12/00856/FL Approved 24 May 2012

Erection of agricultural fodder store

TM/18/00884/AGN Prior Approval Not  
Required 10 May 2018

Prior Agricultural Application: Partial demolition of a fire damaged building and the subsequent partial re-erection of an agricultural building with the addition of a steel box profile cladding to support the essential farming needs

TM/21/02012/EAS P EIA opinion scoping application 2 September 2021

Request for a Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017: proposed new HGV motorway service area on the A20 (London Road) immediately adjacent to Junction 2A of the M26 at Wrotham

TM/21/02648/OAE A Refuse 5 April 2022

Outline Application: Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of new access to A20 via roundabout; landscaping, and other associated works

## 5. Consultees:

- 5.1 Trottiscliffe PC: At the Parish Council meeting for Trottiscliffe held on the 6 June 2023 Members resolved to object to the above proposal. Although we acknowledge that a truck stop is needed on the M20 corridor we feel that there are no exceptional circumstances for a lorry park to be built on this site in an Area of Outstanding Natural Beauty which is at the base of escarpment of the Kent Downs. We are concerned about the location of the proposed access roundabout and the effect these additional vehicle movements will have on an already congested road network. This rural area is already congested with traffic which results in vehicles travelling at speed on lanes not built for this purpose through the neighbouring villages. We remain concerned about air pollution and light pollution in our village. We feel that there are more suitable sites further down the M20 with better access and where unemployment is higher.
- 5.2 Wrotham, Platt, Borough Green, Addington and Stansted Parish Council: These Parishes have provided joint comments on the initial submission and further information. Due to the length of these comments they are provided in full as an appendix to this report.
- 5.3 KCC Highways:

### Introduction

This Outline Application (all matters reserved except access) is to consider the construction of a secure 24 hour truck stop facility for up to 200 HGVs, at one time, incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works. This application follows a more recent planning application reference – 21/02648/OAEA, where numerous meetings have taken place between KCC Highways and the applicant.

### Trip Generation

It is accepted that this facility will not introduce new trips to the highway network, however there is likely to be re-routed trips. Initially, in the first application, there were routing concerns particularly on the local road network. These routing concerns have been tested within the Kent Transport Model, a strategic model, which can assess individual developments on the wider highway network. The results showed that there is likely to be a transference of trips from A2 / M2 corridor to M20 corridor, but that the local roads will not be significantly impacted.

### Localised HGV parking

Section 2 of the Transport Assessment, Part 1 highlights an existing issue of HGV parking within lay-bys of local roads. Tonbridge and Malling is placed 3rd out of the 12 Kent districts for the quantity of overnight lorry parking (outside of dedicated facilities). This proposal will help to provide alternative arrangements for lorry drivers to take breaks.

### Access

Drawing numbers J9500 – 02 Rev B and 3136-F05 Rev G both show the intended access layout from A20 London Road, near M26 Jct 2A. HGVs can access the site from both M20 and M26, with traffic potentially using the A20 in-between National Highways network (M20 Jct 2 and M26 Jct 2A). The A20 is a strategic road for KCC Highways and will be built with HGV traffic in mind, and therefore raises no concern in regards to the routing.

It is recommended that the applicant progresses a detailed design for the access junction and tie-in to M26 Jct 2A. This design should go through the KCC Technical Approval Process as it would be expected that the applicant delivers the access junction through a Section 278 Agreement.

A Road Safety Audit has been supplied with this application and all identified problems by the Auditors have been covered within the Designer's Response, and therefore no longer cause issue with the design.

### Swept Path

Drawing 3136-SP02 Rev B shows that an Articulated Vehicle can access the lorry park facility without overrun of the proposed geometry. The access layout is therefore acceptable to KCC Highways.

### Summary

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

Routing of construction and delivery vehicles to / from site

Parking and turning areas for construction and delivery vehicles and site personnel

Timing of deliveries

Provision of wheel washing facilities

Temporary traffic management / signage

Provision of measures to prevent the discharge of surface water onto the highway.

The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee for this development would be £948, as the Travel Plan can only cover employed staff for the facility.

Section 278 Agreement between the applicant and KCC Highways to cover highway mitigation associated with roundabout access junction and any highway changes to lanes connecting into access junction and M26 Jct 2A.

**Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 5.4 KCC Highways (reconsultation): No additional comments to make and not able to comment on content of 3<sup>rd</sup> party representation submitted on behalf of the Parish Councils.
- 5.5 National Highways: We are interested in the potential impacts that the development might have on the SRN, in this case, M26 J2a. We are interested as to whether there would be any adverse safety implications for the SRN as a result of this proposal.

We have undertaken a review of the documents accompanying the outline planning application, particularly the Transport Assessment (TA) dated January 2023 as prepared on behalf of the applicant by Eddisons.

Traffic impacts were considered through the provision of a VISSIM model for the London Road corridor, which also included M26 J2a. Whilst the junction remains busy during peak hours, especially on the M26 westbound off-slip, the difference in vehicles queues and delays are only marginally affected by the proposals. As queues remain within the extent of the SRN off-slips, no mitigation measures are required. We do accept that the proposals would not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT Circular 01/2022 and MHCLG NPPF para 111). We have recommended three conditions covering Construction Management, Drainage and Lighting.



- 5.6 National Highways: No additional comments to make on additional information.
- 5.7 Kent Downs AONB Unit: (please note comments provided prior to the publication of the revised NPPF December 2023 and the designation of National Landscapes)

The application site lies in the setting of the Kent Downs AONB, by virtue of its proximity to the AONB adjacent to the AONB boundary which is located to the north east and the fact that the site is visible in views from the Kent Downs escarpment. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the AONB, in line with paragraph 176 of the NPPF.

The primary legislation relating to AONBs, which underpins national planning policy, is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act requires that in exercising any functions in relation to land in an AONB, relevant authorities, which includes local authorities, shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. This is known as the 'Duty of Regard'.

Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must "formulate the policies for the management of the AONB and for carrying out their functions in relation to it". The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been formally adopted by the local authorities in Kent in which the AONB occurs.

The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions.

The new Kent Downs Management Plan, Third Revision 2021 to 2026 has recently been adopted, replacing the 2014 to 2019 Management Plan. The Management Plan sets out the policy for the conservation, enhancement and management of the AONB in a series of aims, actions and Principles. It can be downloaded at: <https://explore-kent-bucket.s3.eu-west-1.amazonaws.com/uploads/sites/7/2021/11/16141210/The-Kent-Downs-AONB-Management-Plan-2021-2026-Adopted.pdf>

The following principles from the Management Plan are considered to be of particular relevance to the current application:

**MMP2** The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

**SD8** Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

The National Planning Policy Framework (NPPF) paragraph 176 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. A recent Appeal decision has confirmed that where a proposal is outside of an AONB, the effect on views outside of the AONB, but gained from within the AONB would result in NPPF paragraph 176 being relevant.

Amendments to the NPPF in July 2021 included reference to setting now being incorporated ‘...while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.’

Advice on how to approach development within an AONB setting is expanded on in the NPPG at [Paragraph: 042 Reference ID: 8-042-20190721](#). This advises:

*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.*

The setting of the AONB from the escarpment of the Kent Downs has enormous value. It was a principle reason why the AONB was designated in this area. The importance of setting has been supported by the Planning Inspectorate in several recent dismissed appeal decisions. These include a proposed housing development at Harrietsham and commercial developments at Waterside Park, adjacent to Junction 8 of the M20 near Maidstone. In respect of the appeal at Harrietsham, the Inspector concluded that “*the unacceptable effects of the proposal on the landscape character of the area, including its SLA categorisation and its position at the edge of the AONB significantly and demonstrably outweigh the benefits that would arise from the proposal*”. (APP/U2235/W/15/3119223).

In respect of the Waterside Park appeals it was concluded that “considerable environmental harm would result from the loss of this area of countryside to development through the combined impact on the landscape setting of the AONB and the heritage assets. The developments would fail to protect the setting of the AONB and therefore also conflict with the aims of Section 85 of the Countryside and Rights of Way Act 2000”. (APP/U2235/A/14/2224036 & APP/U2235/A/14/2229271).

Further guidance on Setting is provided in the Kent Downs AONB Units adopted [Position Statement on Setting](#).

### **Proposal and AONB impacts**

The application site is located at the base of escarpment of the Kent Downs, the eastern part of the ridge of chalk that makes up the North Downs that was the main target of the Kent Downs AONB designation, back in 1968. The site comprises undulating grazed pasture land, enclosed by hedgerows (albeit gappy in places) incorporating hedgerow trees. Views across the site southwards are strongly rural in character, with the motorway having been successfully integrated into the landscape in views from this direction due to vegetative planting. The character of the site and adjacent fields to the west is considered to be consistent with the landscape character of the adjacent AONB and to be of high landscape value.

Land on the opposite side of the A20 however has been significantly urbanised in recent years, not least with the introduction of the Nepicar Business Park. It should be noted however developments on the eastern side of the A20 have taken place on previously developed land. Historic mapping identifies that the site the subject of the application along with the adjacent fields to the west of it have always been undeveloped, and that the historic field boundary pattern remains largely unchanged, despite the introduction of the motorway south of the site.

The site's characteristics are considered to make a positive contribution to the landscape character of the area, with the open, undeveloped and undulating nature of the site together with its hedgerows and hedgerow trees resulting in it contributing positively to the rural character and appearance of land on the western side of the A20 as well as the immediate foreground to the AONB, with which it has a strong physical and functional link as well as being important in its own right, providing a strong rural buffer between the motorway and more urban development on the eastern side of the A20 and the undeveloped AONB to the north.

The application proposal incorporates a 200 space lorry park, HGV fuel station and truck stop amenity building. The scale of the development is significant and the proposal would fundamentally alter the character and appearance of the site and result in the direct loss of open countryside and its replacement with a large scale urban development. Any development of this scale on this sensitive site would be harmful and inappropriate, however the nature of the proposal would be a particularly damaging form of development, that is not, in our view, capable of being satisfactorily mitigated, with harm arising not only from the physical infrastructure on the site but from the impacts of large, often brightly coloured lorries along with the associated vehicle movements. We note that this is a view shared by an Inspector in respect of an appeal against the refusal of a similar application (92/10028/OUT). In this case the Inspector concluded '*There is no*

*doubt in my mind that development here would be a substantial intrusion into this open countryside with an adverse and unacceptable impact'.*

While the scheme remains broadly the same as the previously refused scheme (21/02648), the proposed mitigation planting along the site's northern boundary has been increased and two areas of planting are now indicated within the lorry parking area. This is considered an improvement from the previous scheme in helping to mitigate impacts on views from the higher elevations of the Kent Downs AONB, although it would take some considerable time for the trees to establish and be as effective as shown in the Year 15 visualisations. We would also point out that while the submission makes much of the fact the ZVT indicates a limited extent of visibility of the proposed development from the AONB. It fails to acknowledge however that this includes an area of open access land on the escarpment of the Kent Downs, a receptor of very high sensitivity, although the visibility from PRoW MR238 that passes through it is acknowledged and assessed in the LVIA.

Further harm would result from the proposed lighting of the entire lorry park – introducing lighting into an extensive area where there currently is none, with harm exacerbated by the 24/7 operation of the facility and need for lighting to be on all night. While an indicative lighting scheme has been submitted that seeks to minimise obtrusive light pollution, the lighting, which is required to remain on throughout the hours of darkness, would inevitably result in impacts and all light pollution, no matter how small, contributes to the general erosion of dark night skies visible from the AONB and the urbanisation of the rural landscape.

### **Conclusion**

Taking the above into account, it is considered that the proposal would fail to conserve the landscape and scenic beauty of the Kent Downs AONB by impacting on its setting and would therefore conflict with paragraph 176 of the NPPF as well as guidance on development affecting the setting of AONBs in the NPPG. The proposal would also fail to comply with adopted Tonbridge and Malling's Core Strategy policy CP7. The proposal would also be in conflict with the Kent Downs AONB Management Plan, in particular Principle SD8.

5.8 CPRE: CPRE Kent **OBJECTS** to this development for the following reasons:

**1) Unacceptable impact upon the Kent Downs AONB.** We note the strong object from the Kent Downs AONB unit on the basis that they consider the at the proposal would fail to conserve the landscape and scenic beauty of the Kent Down AONB by impacting upon its setting. We note that they conclude the proposal would conflict with paragraph 176 of the NPPF and policy CP7 of the Councils adopted Core Strategy Policy. It is our view that the location of the proposed development is particularly sensitive in terms of the setting of the AONB. It is an open agricultural field which has so far escaped the creep of nearby commercial development, thereby offering important views into the AONB. We therefore

support and agree with the conclusions of the AONB unit. Further, we understand that the local parish council are to undertake its own review of the LVIA and would welcome the opportunity to comment upon this further in due course.

**2) Impact upon the Metropolitan Green Belt.** The purpose of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristic of Green Belts are their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt, and should only be approved where very special circumstances exist to overcome the presumption against inappropriate development. Clearly the proposed development will amount to a permanent loss of openness within the green belt and is therefore by definition inappropriate. We do not agree with the applicant that there are special circumstances for the proposal owing to the need to provide Lorry Parking spaces along the M20 corridor. Specifically, we would point to 1,700 currently unused lorry parking spaces which have already been created, but not used, at the Ashford Inland Border Facility which is less than 30 minute drive further along the M20.<sup>1</sup> We would consider this a more appropriate alternative. This is in addition to already established lorry stops closer to the proposed development, such as at Maidstone Services and Clacket Lane.

**3) Air Quality.** The proposal will result in significant additional lorry movements. We therefore note the concerns raised by the Councils Environmental Health officer with respect to the use of air quality data from 2020 during the pandemic period. We too therefore also consider further analysis should be undertaken based upon the available pre-pandemic traffic surveys available and would wish to comment upon this point further in due course.

**4) Light Pollution.** Our experience of lorry parks elsewhere in Kent, including that at the Ashford Inland Border Facility, is that despite assurances made with respect to mitigation, these inevitably led to significant light pollution given the specific nature of the use. Paragraph of NPPF 185(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes and nature conservation, and to limit the impact of light pollution from artificial light on local amenity. CPRE has long been a leading voice in the campaign against light pollution. We have a special interest in this issue: darkness at night is one of the key characteristics of rural areas and represents a major difference between what is rural and what is urban. Given the sites location within the setting of the AONB and the nature of the use limits the effectiveness of any proposed mitigation, significant weight against the proposal should be given with respect to light pollution.

5.9 Environment Agency: No objections subject to conditions.

5.10 KCC LLFA: It is understood from the report that the surface water for the site will be managed through splitting the site into 3 catchments, the northern, central and southern catchment. The surface water will then be attenuated in permeable

paving and basins prior to a restricted discharge into an unnamed watercourse at the total combined QBAR rate of 16.5 l/s.

1. Table 3.2 in the report shows the SuDS Mitigation Indices for the Northern Catchment. We would also seek for it to be demonstrated that adequate pollution control measures are in place for the central and southern catchments in adherence to the CIRIA SuDS Manual 2015.
2. There appears to be discrepancies between the hydraulic calculations provided and the Indicative Attenuation Layout (Drawing number: 105346 PEF ZZ XX CD SK 00800, revision P04 dated 09/12/22) with the impermeable areas and the discharge restrictions. We would seek for this to be clarified.
3. Further to this, no hydraulic analysis has been provided for the 2 year or 30 year rainfall event scenarios. We expect for these to be provided.
4. It is noted that FEH 1999 was used within the microdrainage calculations. KCC require the use of the more detailed and up-to date FEH13 dataset within drainage design submissions. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019).
5. As part of the hydraulic analysis we would also seek for the latest Environment Agency climate change analysis to be used (10th May 2022). As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes. The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link:  
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
6. We also have concerns in relation to the surface water flow paths relating to possible flood issues on site in relation to property.

We would therefore recommend a holding objection for this application until the above information is provided.

- 5.11 KCC LLFA: Comments awaited on additional information and will be included in the supplementary report if received.
- 5.12 KCC Heritage: The site of proposed development lies within an area of potential for multi-period archaeological remains, some of which may be of significance. There are no designated heritage assets within the site boundary itself but there are designated historic buildings close to the site including Moat Cottage, a medieval house; and Moat Restaurant, a Medieval farm complex set within a possible Medieval manorial moated complex which may be of early Medieval origins.

The Kent HER suggests prehistoric and Roman activity in the area and there are indications of Early Medieval activity. Wrotham is considered to have been an Early Medieval Palace and settlement with Jutish and other Early Medieval cemeteries nearby. There are several PAS Roman and later metal artefacts recorded in the nearby fields. The topographical location especially with the water channel would have made this area attractive for settlement. There is nothing recorded on the site itself but this probably reflects limited nature of formal archaeological investigation rather than lack of archaeology.

There are clearly Post Medieval farm complexes in the vicinity which may have had Medieval origins and the proposed development site would have been part of the farmed land. The stream is likely to have been a formal part of the water feeding the Moat Farm moat. This stream may also have served the *Neppiker Brewery* to the north. This brewery developed in the mid-19<sup>th</sup> century with a possible maltings within the Moat Farm complex. The identification of buildings on the Tithe Map suggests a little community here.

Although there are no known archaeological remains on the proposed site, there is potential for significant remains to survive, especially in view of the prehistoric and Early Medieval remains known in the area. It would be preferable for any decisions regarding this proposed scheme to be fully informed by suitable heritage assessments, which in this case should include targeted fieldwork (historic landscape walkover survey and geophysical survey with consideration of trial trenching if appropriate).

I note the application is supported by an assessment of heritage, including archaeology. But this assessment is minimal and does not sufficiently assess potential. It focuses most on known heritage assets, especially surrounding listed buildings. Given the significance of Wrotham as an Anglo Saxon high status residence with settlement and several AS burials known around, the implications of finding Early Medieval remains on this site is not sufficient explored.

In earlier comments, I recommended the need for pre-determination fieldwork in the form of geophysical surveying and perhaps targeted trenching. I maintain this recommendation for this outline application.

In summary, the proposed development may have an impact on significant archaeology. I welcome the assessment of archaeology but it reflects slightly limited understanding of the archaeological potential of the site.

I recommend a geophysical survey with the options for some targeted trial trenching prior to determination of this application is essential to ensure decisions are suitably informed for this major application.

5.13 Private Reps + site and press notice: 406 objections received raising the following comments:

- Inappropriate development in the green belt
- No exceptional circumstances
- Does not accord with requirements in government circular 01/2022
- Impact on adjacent AONB
- Increase noise and pollution
- Increase in traffic
- Increase in light pollution
- No proof that services will be used
- Reapplying shows a disregard for the previous concerns raised.
- Should enlarge existing facilities rather than build new
- Should be built on brownfield land
- No thought being given to existing residents
- Better to build houses on the site
- Existing lorry parks are not fully utilised
- Loss of wildlife
- Impact on property values
- Inappropriate access – should only be accessed from the motorway
- Impossible to get out of houses
- Impact on human health
- No local benefits
- Road floods at present and is known to ice over
- Not a suitable location
- Profit before common sense
- 24 hour operation will mean no respite from traffic and noise



- A20 is badly congested and will be the only link to the site from the motorway network.
- Would destroy village life
- Should be at an alternative site
- Already rejected twice
- Supposed to be the garden of England not a lorry park
- Become a haven for immigrants
- Will ruin the Moat public house
- Dedicated facility at Ashford underused
- Will lead to littering and other anti-social behaviour
- Road surface cannot cope with existing traffic let alone more HGVs
- Why need a fuel station when there has been one opposite for many years?
- None of the people supporting the development live anywhere near it
- Freight should be moved to the continent on electric trains through the channel tunnel to reduce the need for HGVs
- Company totally ignores the local residents
- What is the point in green belt if we do not protect it
- Support comments do not look real and appear automated.

426 responses in support of the application (the majority of which have arisen from an online survey):-

- Need for lorry parking
- Country would grind to a halt without lorry drivers
- Need cheaper parking areas
- Parking on the continent is free – should be in UK
- Safe parking needed
- Lack of overnight parking

- Motorway services are not designed to cope with HGVs
- Lack of parking in the south east in general
- Not able to on roadside or in industrial areas
- Plenty of green space in Kent. The loss of this part will not make a difference.

**6. Determining Issues:**

6.1 The principle considerations with this application are whether the previous reasons for refusal have been overcome. The application raises a number of different policy considerations and determinative issues that can be summarised as follows:

- Planning policy support for lorry parking and national and regional transport guidance.
- The principle of the development at this location, including the impact on the Green Belt, whether the development is appropriate, the effect on openness, and any conflict with the purposes of including land within it.
- The effect of the development on the character and appearance of the area/its visual impact, including on the setting of the Kent Downs National Landscape.
- The effect of the development on residential amenity, by reason of noise, disturbance and light pollution.
- The effect of the development on the safety and operation of the road network, including local roads and the strategic highway network, from trip generation and vehicle movements, and whether this would unacceptably affect highway safety, or whether it would lead to severe cumulative traffic build up.
- The impact of the development on nearby heritage assets and below ground archaeological remains.
- If the development would harm protected species, ecology or biodiversity, and if so whether adequate mitigation is proposed and if it can be delivered.
- Whether drainage, archaeology and contaminated land have been adequately considered.
- If sufficient very special circumstances have been evidenced, such that the harm to the Green Belt, and any other harm, are clearly outweighed by the benefits of the scheme.

6.2 These matters are considered in further detail and the following headings.

National Planning Policy and Department for Transport Guidance on Lorry Parking

6.3 Paragraph 113 of the NPPF 2023 states that:

*Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.*

6.4 Department for Transport Circular 01/2022: 'Strategic road network and the delivery of sustainable development' formalises the government's position on the provision of new policy guidance regarding the provision of freight facilities, including truckstops, on the Strategic Road Network (SRN).

6.5 This Circular is the policy of the Secretary of State in relation to the SRN which should be read in conjunction with the National Planning Policy Framework (NPPF), planning policy for traveller sites, national planning policy for waste, planning practice guidance, national design guide, National Model Design Code, Manual for Streets (MfS), local transport note (LTN) 1/20 and all other material considerations when strategic policy-making authorities are setting policies and making decisions on planning and development proposals under the Town and Country Planning Act 1990.

6.6 The Circular states the following when considering the spacing of freight facilities:

*79. Drivers of many heavy goods and public service vehicles are subject to a regime of statutory breaks and other working time restrictions, such that roadside facilities are critical enablers of compliance with such requirements.*

*80. It is recognised that on certain parts of the SRN and at certain times a shortage of parking facilities for HGVs can make it difficult for drivers to find safe space to stop and adhere to requirements for mandatory breaks and rests. To alleviate the shortage, the expansion of existing facilities on the SRN is likely to be needed alongside the creation of new parking sites. As a result, existing truckstops (including closed facilities) on or near to the SRN must be retained for their continued and future use unless it can be clearly demonstrated that a need no longer exists.*

*81. In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN. In these circumstances, local planning authorities should have regard to the following spacing requirements:*

*(i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; and*

*(ii). the maximum distance between APTR facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.*

*82. Where the general spacing distances above are met but a need for HGV parking still arises, the company will support the case to address unmet demand, subject to an assessment of the safety of the proposed access or egress arrangements.*

- 6.7 It should be noted though that it is not the governments policy that lorry parking should be provided at the expense of any other relevant planning matter. It is therefore necessary to consider the principle of providing the development at this location and any other resulting harms.

#### Location of development

- 6.8 The site is located outside of any settlement boundary where policy CP14 of the TMBCS seeks to restrict new development. The introduction of a new standalone employment use would not meet with any of the exceptions listed under this policy. However, it is accepted that policy CP14 is now considerably out of date due to the age of the Core Strategy, which is not currently delivering the required land for housing and employment need. Furthermore, it is unlikely that sufficient space exists within the settlement boundaries for such a proposal, and therefore any limited technical conflict with policy CP14 would not be considered to withhold consent on this basis and needs no further consideration.
- 6.9 However, the site is also within the Green Belt, and this is a matter which must be considered separately.

#### Green Belt – Policy Context

- 6.10 The site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF). The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence.
- 6.11 Paragraph 152 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
- 6.12 Paragraph 153 states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to

the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

6.13 Paragraph 154 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt.

6.14 However, one exception listed under paragraph 155 of the NPPF includes local transport infrastructure which can demonstrate a requirement for a Green Belt location, provided they preserve the Green Belt’s openness and do not conflict with the purposes of including land within it.

#### Green Belt – Openness assessment

6.15 Given that the development is intended to serve as a county wide form of transport infrastructure, it is not considered that it can reasonably be described as “local”. Furthermore, it has not been demonstrated that a Green Belt location is required, as will be explained in later sections of this report.

6.16 Nonetheless, even if that were not the case, the scale and nature of the development is considerable, involving extensive laying of hardstanding, up to 200 HGVs parking spaces, new structures including the amenity building, fuelling station, internal roads, car parking, security fencing, plant and associated paraphernalia. It is very clear that regardless of whether the development would be considered a form of local transport infrastructure, or even one requiring a Green Belt location, it would fundamentally fail the requisite tests under paragraph 155 for the following reasons.

6.17 Firstly, the proposal would completely fail to preserve openness. The effect of introducing the development set out above to the site would result in a clear, permanent and harmful loss of openness, from both the built form, the hardstanding and parked vehicles, and the associated infrastructure. Regardless of the final design of the proposal, this effect would inevitably occur based on the outline parameters being sought. The loss of openness would be obvious from surrounding vantage points, including along London Road, from travelling along the M26 past the site, from the residential and commercial properties around the site and where longer-range views are possible. The loss of openness would be both spatial and visual, and harmfully so. The loss of openness would be affected across the whole site but most acute when the HGV parking areas are full, and where the amenity and fuelling buildings would be erected.

#### Green Belt – Purposes

6.18 It is further necessary to consider whether the development would conflict with the purposes of including land within the Green Belt, which are set out under paragraph 143 of the NPPF as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.19 It is considered that only paragraph (c) is relevant to this case. When considering whether the proposal would conflict with this key purpose, it is also clear that it would, and fundamentally so.

6.20 As noted previously, the site's current appearance is open, rural, and devoid of any built form. There is encroachment into the countryside setting from the adjacent built development along London Road, but this is not present on the proposed site.

6.21 However, the effect of the development, regardless of final design, would irreversibly encroach into the existing open countryside. It would amalgamate built form with that already present across the road, leading to a much greater concentration of development in an otherwise open side of the road. Grazing land would be replaced with hardstanding, buildings, and parked lorries. The Green Belt's key role in safeguarding the countryside from the encroachment of built form into open areas would be wholly and irreversibly undermined across the site. As such, there can be no doubt that the development would conflict with this important purpose.

#### Green Belt – whether inappropriate development

6.22 Drawing the above conclusions together, the development would clearly fail to comply with the only possible exception policy within the NPPF that merits consideration. As a result, the development would constitute inappropriate development in the Green Belt, which is harmful by definition. Paragraph 153 directs that substantial weight should be afforded to this harm. This is not a ceiling or upper limit for measuring harm, and it follows that more serious harm to the Green Belt should be afforded more weight.

6.23 In addition to definitional harm, there would be a very substantial permanent and harmful loss of openness, based on the outline parameters sought.

6.24 Finally, the development would fundamentally conflict with a key purpose of including land within the Green Belt, by extending built development out from the more limited linear development on London Road, into an open and undeveloped site. The countryside would be encroached upon, to a significant and harmful

degree. As a result, there would be a strong “in principle” objection to the location of the proposed development on Green Belt grounds.

- 6.25 For these reasons, there is clear policy conflict with paragraphs 142, 143, 152 – 155 of the NPPF, and policy CP3 of the TMBCS. Whether sufficient very special circumstances exist to clearly outweigh this harm are considered in later sections of this report.

Character and Appearance / National Landscape (AONB) setting – Policy context

- 6.26 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.27 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 135 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.28 Since the submission of the application, Areas of Outstanding Natural Beauty have been renamed “National Landscapes”. Section 245 of the Levelling-up and Regeneration Act 2023 sets up a new statutory duty that all “relevant authorities” (including local planning authorities), “must seek to further the purposes” of the designated landscape, strengthening the previous duty to “have regard” to the purposes. For National Landscapes, this purpose is conserving and enhancing natural beauty. The NPPF has yet to be updated with the areas still referred to as AONBs.
- 6.29 Paragraph 182 of the NPPF states:

*‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’..*

6.30 Policy CP7 of the TMBCS is consistent with the aims of paragraph 182 by confirming that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty. It adds that development effecting these areas must have regard to landscape character.

6.31 A further relevant material consideration is the Kent Downs AONB management plan, and the policies listed within it. Most relevant are those highlighted by the AONB unit, including:

*MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.*

*SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan*

*SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.*

*SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.*

6.32 As set out in the site description, the land has a gentle undulating character, comprised of open grazing grassland hedgerows and tree cover. The motorway is generally screened by mature planting along its banks. There is also some screening on the boundary with the motorway and London Road, but the site is clearly visible from the road frontage and the surrounding fields. It is wholly rural in character and serves as a visual counterbalance to the built development across the other side of London Road. The current appearance of the site, with its open grassland and hedgerows, is consistent with the character of the AONB and therefore contributes positively to it. This view is shared by the AONB unit, with the site being in the foreground of the AONB and therefore being fundamentally part of its setting as set out in para 182 of the NPPF.

6.33 Regardless of the final design and finish, the introduction of the lorry park within the outline parameters sought would result in a complete and total erosion of this rural character. It would be wholly lost, and replaced with built development, lorry parking, hardstanding and buildings, which would appear as unnatural and



incongruous features within the current open character of the site. The development, regardless of final design, would substantially increase the amount of built development within the setting of the AONB, and amalgamate the extent of built form across both sides of the road, whereas previously this part was open and free from buildings.

- 6.34 The applicant's LVIA within the ES assesses the landscape effects of the development, including on the field itself, and considers that the majority of adverse effects would be short term during the construction phase, which it considers can be mitigated through the use of a Construction Environmental Management Plan (CEMP), and that all long-term effects would not be significant due to the enhanced planting proposed along the northern edge of the site in order to reduce the visibility of the site.
- 6.35 Whilst having careful regard to the view of the applicant on the landscape effects of the development, as submitted in the relevant sections of the ES, Officers do not agree with many of the conclusions.
- 6.36 As noted by the Kent Downs AONB unit, the field plays an important role as a buffer of open rural land from the nearby motorway and the existing development to the north of London Road. The proposed development, as well as resulting in the total loss of this contribution, would also serve to fracture the remaining open countryside on this part of the road, enclosing it with harmful built development, and consolidating it with the development on the north side of the road, resulting in a much larger concentration of detracting features within the immediate setting of the AONB.
- 6.37 The landscaping proposed, in conjunction with some limited existing screening, is simply insufficient to provide meaningful mitigation for a development of this scale and nature. It would also take a substantial amount of time to establish and mature, resulting in long term harm that would be fully visible from surrounding vantage points and from adjacent fields. Regardless of whether these views may or may not be publicly accessible does not lessen the landscape harm that would result; and development can be substantially harmful to landscape character regardless of whether it is prominent from public vantage points. These conclusions are also consistent with the findings of the Inspector in the 1992 appeal, and despite its age, there is nothing to suggest the character and setting of the site has changed so significantly that these conclusions are no longer relevant.
- 6.38 One key concern of the AONB unit, shared by Officers is the inevitable use of lighting given the proposed 24-hour use of the facility. Artificial lighting is a particularly harmful unnatural feature which can seriously erode the natural setting of the AONB, being particularly prominent overnight when the natural landscape state would be dark. It would draw considerable attention to the built development,

hardstanding and parked vehicles present on the site, which would also be when the site is expected to be at greatest capacity.

6.39 The ES suggests that new planting can mitigate this but given the inevitable widespread use and sheer size of the facility, it is not considered that this could be meaningfully mitigated against. The clear and perceivable effect of light pollution would be permanent and seriously harmful to the setting of the AONB, completely spoiling the existing undeveloped nature of the site and its contribution to the rural character of the area. As a 24 hour facility, there would never be any respite for the AONB; the light pollution would persist in perpetuity for the lifetime of the development. It is noted that the applicant has sought to limit light pollution and suggests that light would not overspill beyond the boundaries, but it would still be visible from beyond these boundaries even if not directly illuminating them. Winter months would see this effect particularly magnified, due to less daylight and less tree coverage.

6.40 It is also noted that these conclusions were shared by the Inspector in the previous appeal decision from 1992 (92/10028/OUT). In this case the Inspector concluded

*‘There is no doubt in my mind that development here would be a substantial intrusion into this open countryside with an adverse and unacceptable impact’.*

6.41 Therefore, whilst carefully considering the submissions within the ES as to landscape impact, the nature and scale of the proposal is such that complete landscape mitigation is simply not considered to be possible. There would be total and harmful loss of open rural character within the immediate boundaries of the site, the development would consolidate built form with existing harmful development across the road, and the setting of the AONB would be significantly negatively impacted through the introduction of an inherently harmful form of development so close to its boundaries, in its immediate setting.

6.42 For these reasons, the proposal would directly conflict with policies CP24 and CP7 of the TMBCS, SQ1 of the MDEDPD and paragraphs 182 and 135 of the NPPF. Additionally, there would be clear conflict with the principles and policies of the Kent Downs AONB Management plan, including policies SD1, SD2 and SD8, and MMP2.

The effect on the amenity of neighbouring properties, by reason of noise, lightning etc.

6.43 The development is too far away from the nearest residential properties to result in an adverse impact on their amenity by reason of any overbearing, overshadowing or loss of privacy impacts.

6.44 However, the scale of the development and resulting traffic movements may still result in harmful amenity impacts by reason of noise, disturbance and lighting.

- 6.45 The Council's Environmental Health Officers have reviewed the submitted documentation and concur with the applicant's findings in respect of noise and vibrations, and on-site lighting, which is not considered to have a harmful effect on adjacent residential amenity.
- 6.46 The previous application had a reason for refusal relating to the impact overspill of headlights having a detrimental impact on the amenity of neighbouring properties. Chapter 12 of the Environmental Impact Assessment submitted with the application has also taken into consideration the likely impact due to vehicle headlights sweeping across properties on the opposite side of London Road. It concludes that a solid fence of 1.5m height will be sufficient to mitigate this, but has proposed a 2m high fence to provide a degree of comfort together with landscape planting. The Council's Environmental Health Officers concur with the conclusion that this would overcome the previous reason for refusal and it is therefore considered that previous reason 5 has been overcome.
- 6.47 On this basis it is considered that the development would not have a harmful impact on the residential amenity of the properties opposite the site.

Highways – Policy Context

- 6.48 Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.49 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.50 Policy CP2 of the TMBCS advises that new development that is likely to generate a significant number of trips should:
- a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;

b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;

c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;

d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;

e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,

f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

6.51 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

6.52 The broad aims of policies CP2 and SQ8, ensure that developments do not adversely affect the safety and operation of the public highway, are considered to be consistent with the requirements of paragraphs 114 and 115 of the NPPF.

#### Highways Impact

6.53 The previous application received holding objections from both Kent County Council, the county highways authority, and National Highways the body responsible for the safety and operation of the strategic highways network. The current application is supported by more detailed traffic assessments in an attempt to overcome the previous reason for refusal.

6.54 The submitted traffic assessment has been subject to more detailed modelling. The overall conclusion raised is that the development is predicted to result in 51 two-way vehicular trips during the weekday AM peak and 53 two-way trips during the weekday PM peak. The assessment though highlights that the HGVs using the facility will already be using the road network, and while they may divert to the site, do not represent new vehicle movements on the wider strategic road network.

6.55 The proposed site access arrangements will ensure that two lanes are provided on the A20 London Road (N) exit between the M26 Junction 2A and the proposed site access roundabout. Two lanes will also be provided on the A20 London Road (N)

exit of the site access roundabout for a distance of circa 100m. The provision of two northbound lanes along the A20 London Road (N) will add road capacity within which existing traffic exiting the M26 Junction 2A can travel and it is therefore anticipated that this will substantially assist in reducing the levels of queuing that occur on the M26 Junction 2A circulatory carriageway and on the M26 East and A20 London Road (S) approaches.

- 6.56 The TA concludes that the proposals are acceptable in highway terms. In respect of highway capacity to accommodate the development, the proposed site access is from a new junction from the A20, London Road. This has been designed to meet the relevant highways design standards and will have sufficient capacity to accommodate the proposed development traffic. Junction 2A of the M26 is forecast to operate with some observed queues on the M26 Eastbound off-slip and on the A20 northbound arm of the junction in the Am peak period. The results also demonstrate the impact of the proposed development is minimal and the proposals are likely to provide an overall reduction in queuing at the junction. Both KCC and National Highways have agreed that the analysis contained with the TA does not identify any material locations when the addition of traffic related to the development would detrimentally affect the level of service that the M26, M20 and A20 would otherwise provide.
- 6.57 It is acknowledged that the Parish Councils do not agree with these findings, raising concerns regarding traffic on the M26, Whitehill Roundabout (A20 London Rd/A227 Borough Green Rd/M20 On-slip; and A20 London Road (NW&SE)/A227 Gravesend Road. Whilst these concerns are noted the Council, as Local Planning Authority, has to give substantial weight to the views of statutory consultees. In this instance both National Highways and KCC Highways and Transportation are satisfied that their previous concerns have been overcome and on this basis it would not be possible to support a reason for refusal on traffic grounds.

#### Heritage and Archaeology – policy context

- 6.58 Paragraph 205 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.59 Paragraph 207 explains that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.60 Paragraph 208 of the NPPF adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.61 Paragraph 209 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.62 In this case, the only designated heritage assets that are in proximity of the site and therefore affected by the proposed development relate to the Grade II Listed Moat Public House and Moat Cottage along with the potential for below ground archaeological assets.

6.63 The list descriptions of these properties are set out as follows:

*TQ 65 NW WROTHAM C.P. LONDON ROAD 5/18 (west side)*

*Moat Restaurant II*

*Farmhouse, now Restaurant. C16 framed structure with C18 elevations. Painted brick ground-floor, tile-hung 1st floor. Hipped plain tiled roof with one flat-headed dormer and C17 stacks at left end and off-centre to right. 2 storeys and attic; 4 window 1st floor, 3 window ground-floor, C20 diamond lattice casements. Half-glazed panelled door with C20 flat projecting hood off-centre to right. T-shaped in plan with weatherboarded wing to rear.*

*TQ 65 NW WROTHAM C.P. LONDON ROAD 5/19 (east side)*

*Moat Cottage II*

*Cottage. Circa 1550. Exposed vertical timber-framing with plaster infilling. Continuous 1st floor jetty supported on exposed joist ends. Half-hipped roof with end stack to left. Brick ground-floor to right return side. 2 storeys; 3 window front, lattice casements except to right which has bay with oriel on cove above, both probably original. Central gabled and timbered porch with plaster infill and half-glazed and boarded door.*

6.64 To the south of the site is also the Grade II\* Nepicar House, and two separately Listed Grade II Outbuildings, and a Grade II Listed Lodge. However, the M26 completely severs these heritage assets from the development site, such that it is not considered to form part of their setting due to the clear delineation caused by the motorway.

6.65 Nonetheless, the other two Listed buildings are in close proximity to the site and the effects of the development on their settings requires further consideration. The Oast building north of the site and moat farmstead are also considered to be non-designated heritage assets which should also be assessed.

- 6.66 The settings of these two listed buildings, whilst eroded to a degree by existing modern development along the London Road and nearby, are still contributed to by the development side to differing degrees, due to its open rural character, which would have persisted when these two buildings were originally constructed, surrounded by open fields and countryside. The development site contributes more significantly towards the setting of Moat Cottage due to the greater intervisibility, with the Moat Restaurant being further away and partially screened by other buildings and vegetation. Nonetheless, as it was originally a farmhouse, the open agricultural character of the site at present still helps to provide a buffer from the more modern development on the north side of the road. The application site therefore contributes positively to the setting of these two Listed buildings.
- 6.67 This section of the EA has not varied in regard to the effect on these designated and non-designated heritage assets. The previously held position that there would be less than substantial harm on the designated heritage assets is still the case. The policy tests under paragraph 208 of the NPPF with regard to public benefits are therefore triggered. Whether such benefits exist to outweigh the harm to these heritage assets is returned to under the final planning balance.
- 6.68 The ES identifies potential harm to unidentified buried archaeological assets. Conditions are recommended for geophysical surveys and further work if potential buried assets are identified. If the application were recommended for approval this is considered acceptable.

#### Ecology & biodiversity – policy context

- 6.69 Policy NE3 of the MDEDPD explains that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and / or compensation measures are provided which would result in overall enhancement. This is consistent with the aims of the NPPF at paragraph 180, which confirms that planning decisions should seek to minimise impacts on and provide net gains for biodiversity.
- 6.70 Paragraph 186 also adds that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

#### Ecology & biodiversity impacts, mitigation

- 6.71 The relevant sections of the ES set out the various surveys carried out to consider the presence of protected species, and the impact on nationally designated sites of ecological importance (for example, SSSI's). The assessment concludes no adverse impact on the nearest SSSI's, which are some distance away, and this is accepted.

- 6.72 As to the ecological value of the site, which is ranked as unimproved grassland, although this will be completely lost, the applicant proposes to replant a larger area to provide net gain. This is to be in the land adjacent to the site, which is outlined in blue as part of the site location plan. The site location plan which forms the legally binding parameters of the development area for the purposes of this planning application, does confirm that the other land is under the control of the developer. The land can therefore be considered as part of the developer's ecology and biodiversity mitigation strategy.
- 6.73 The application site has been the subject of on-going, multiple season ecological survey work. Survey work has been undertaken in respect of Dormouse, Bats, Reptiles, Aquatic Invertebrates, Terrestrial Invertebrates, and Great Crested Newts following the previous reason for refusal. This survey work has indicated that the site has limited populations of protected species but the following enhancements are proposed.
- 6.74 On-site mitigation is proposed within the design of the scheme including providing a wide natural buffer to the on-site stream and retaining large amounts of the existing mature vegetation around the edge of the proposed development site. In terms of mitigating the impact on dormice specifically, the application proposes to ameliorate the fragmentation of habitat by creating a linear link to the south-west which will create a link north to south. This measure will remove the fragmentation effect as well as providing more habitat for dormice than currently exists. Much of the habitat that would be lost as a consequence of the development is of poor quality. The proposed new planting is species rich scrub and shrubs which is to be secured for the long term with management to be completed on a rotational basis.
- 6.75 To further the enhancement of biodiversity an offsite mitigation area has been committed as primary mitigation. Other primary mitigation measures will include completing the development works at a suitable time of year to avoid disturbing animals at a time when they are most vulnerable and completing habitat removal under ecological supervision. Any protected species found during the development works will be re-located to the area of compensatory habitat. An off-site ecological mitigation plan is included in Appendix 5 to the ES. This shows the improvement and habitat creation proposed within the blue land indicated on the site plan. The submitted Biodiversity Net Gain Report concludes that these measures will achieve a biodiversity net gain of 21.42 habitat units, which will represent an increase of 90.22% ; 2.24 hedgerow units, which represents an increase of 44.31%; and 1.06 river units, which represents an increase of 50.72%.
- 6.76 The measures designed to relocate protected species prior to the construction works commencing follow accepted industry methodology and standards and are considered to be acceptable to avoid the direct killing and injury of protected species.



- 6.77 The long term effects on protected species, including their habitats in and around the site must also be considered. The supporting information indicates that adequate replacement habitat can be provided both on-site and within the adjacent land within the applicants control.
- 6.78 Given the additional submitted information it is considered that there would be no harm to protected species and biodiversity. It is therefore considered that the development would comply with policy NE3 of the MDEDPD, and paragraphs 180 and 186 of the NPPF.

#### Drainage & contaminated land

- 6.79 The Environment Agency are satisfied with the applicant's proposals which would not result in unacceptable harm to the environment through land contamination and surface water disposal, if conditions were to be applied. This approach is further endorsed by the Council's contaminated land officer. As a result, these matters are considered to be acceptable.
- 6.80 The comments of KCC as LLFA are noted and further comments are awaited on the additional submitted information. These issues are matters that are likely to be able to be mitigated by condition and therefore would not form a reason for refusal.

#### Conclusions & Planning Balance, whether VSC's exist

- 6.81 As established in the preceding sections, there are multiple instances of direct policy conflict with the adopted development plan, and the national planning policy framework. These conflicts result from aspects of the proposal which are considered to be directly harmful. To summarise at this stage, these can be set out as follows:
- The development is inappropriate in the Green Belt, results in significant harm to openness, both spatial and visual, and conflicts with the purposes of including land within it.
  - There is harm to the setting of the AONB, and harm to the rural character of the area.
- 6.82 The level of Green Belt policy conflict on its own is considered to be a serious consideration that weighs heavily against the scheme. The conflict with Green Belt policy can only be overcome within the terms of paragraph 153 of the NPPF as follows: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, **and any other harm resulting from the proposal, is clearly outweighed by other considerations.**"* [emphasis added]

6.83 The applicant therefore needs to demonstrate such material considerations as to clearly outweigh both the harm to the Green Belt and any other harm, which as noted above, encompasses multiple harms from a range of different policy conflicts. This is considered in further detail as follows.

VSCs – the applicant’s case

6.84 The applicant does not dispute that very special circumstances are required to justify the development. In this respect, they advance the following two broad matters in support of the case, firstly that there is a significant unmet need for overnight lorry parking in Kent, and secondly that there is a lack of available alternative sites such that this location is the only possible option of meeting this unmet need. There is policy support for the proposal under paragraph 113 of the NPPF but given the level of resulting harm something more than just policy compliance with one paragraph of the NPPF is clearly required.

6.85 The Applicant’s case for very special circumstances is assisted by Dft Circular 01/2022. The Circular advises that where there is an identified need for freight facilities such as truckstops, regard must be had to the 14-mile maximum distance between motorway facilities which provide HGV parking. If a need is identified in the National Lorry Parking Survey (AECOM 2022), the Circular makes it incumbent on the relevant local planning authority to ensure that planning application decisions address this need. As is set out at paragraph 81 of the Circular:

*“In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the Strategic Road Network. In these circumstances, local planning authorities should have regard to the following spacing requirements:*

*(i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; and*

*(ii). the maximum distance between All Purpose Trunk Road facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.”*

6.86 The distance between Maidstone Services (M20) and Thurrock Services (M25) is 31 miles. This gap is within the South East and an area of identified need within the 2022 National Survey of Lorry Parking. The South East has a utilisation rate of 94% which is deemed to be critical. As ‘need’ is established, Paragraph 81 of the Circular is engaged. As such, the maximum distance between services should not exceed 14 miles. The distance between Maidstone and Thurrock exceeds 14 miles, and establishes a need in this gap for additional parking provision for HGVs. In addition, a second gap exists between Maidstone Services (M20) and Clacket

Lane (M25) which is 27 miles. This also exceeds the 14 mile maximum distance set out in Paragraph 81 of the Circular.

6.87 The Kent Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031 identifies that lorry parking is a significant issue in the county and one of the strategic priorities within this Plan is the provision of overnight lorry parking. The Plan states the following:

*“There is a significant amount of unofficial and often inappropriate overnight lorry parking that causes distress for the communities affected and potential safety issues on Kent’s roads.”*

6.88 The Kent Local Transport Plan 4 outlines that a way of overcoming this issue is to ‘identify a network of smaller overnight lorry parks and work with Kent Police to enforce against offenders.’ The Kent Local Transport Plan goes on to state that:

*“We are developing a strategy for a network of small lorry parks at suitable locations across Kent and a partnership approach with the Districts and the Police to address enforcement.”*

6.89 The applicant’s case within the planning statement sets this out in more detail which is not necessary to repeat in verbatim here. However, having carefully and thoroughly reviewed the submissions advanced by the applicant, this case is not accepted, for the following reasons.

6.90 VSC’s – Unmet need

6.91 To determine whether the applicant has demonstrated sufficient VSC’s, it is necessary to scrutinise the evidence and data behind their submissions that there is an unmet need for lorry parking, and whether there is a complete lack of suitable alternative sites, such that developing this site, irrespective of identified harms, is nonetheless justified.

6.92 Starting with the unmet need for lorry parking overnight in Kent, the applicant points to surveys carried out in 2019 and also the emerging TfSE Lorry Parking Study 2023 which reports on findings of lorry parking surveys carried out on the strategic road network in March 2022 and the non-strategic road network in February and March 2023. The results of this study indicate that there is excess lorry parking demand in the M20/A20 corridor with the majority of this pressure being in the Maidstone, Ashford and Dover areas. This study also forecasts that this demand would at least double by 2040.

6.93 The Kent County Council illegal lorry parking surveys undertaken in June 2019 referred to by the applicants indicate that Tonbridge and Malling was not subject to the highest levels of overnight illegal parking. The surveys demonstrate that overnight parking was most prevalent in Swale (average 296 instances), followed by Canterbury (average 88) and then TMBC, with an average of 69.

6.94 The data indicates that demand seems to be overwhelmingly highest within Swale borough, then Canterbury, to the north east of TMBC. The key routes along the A2 and M2 pass through Swale, which would seemingly be used by freight coming to and from Dover from other parts of the country. Evidence does therefore point to there being an unmet need for overnight lorry parking in Kent, but the evidence would conclude that the need is most urgent in other authorities, which are a considerable distance from TMBC.

6.95 Lorry drivers are required by law to take regular breaks, which are also monitored by a tachograph within the vehicle which can be used by law enforcement agencies or employers to confirm that the driver is taking the right number of breaks. As a result of this, the drivers often cannot choose where to stop if they are mandated to have a break at a certain time and have been unable to stop previously. The reasonable conclusion to draw from the data from KCC is that the majority of drivers passing through Kent need to stop within Swale or Canterbury.

6.96 Therefore, the question has to be asked whether a lorry park in this location would actually address where the need is most acute. If drivers are being forced to make illegal stop overs in Swale and Canterbury out of need, the location of the proposed lorry park here would do nothing to assist with this, being far too distant to be in reach of where the unmet need is concentrated.

6.97 The applicant is trying to demonstrate that this location, within TMBC, should be the location of choice to meet a significant element of county wide unmet need primarily due the distances between services set out in the Circular, rather than on the basis of greatest unmet need within the County. There is no specific information provided in support of the application to justify the quantum of the provision being proposed and no discussion as to the form the services need to take.

6.98 Overall, it is accepted that in principle there is an unmet need for lorry parking across the county. The applicant is though justifying the position primarily on the basis of distances set out in Circular 01/22 only at the expense of any other planning matter as the submitted evidence does not demonstrate that the need is anywhere near the most urgent within TMBC, which is the location put forward by the applicant to meet this demand.

#### VSC's – harms from unmet lorry parking

6.99 The next important consideration is to consider the effects of this unmet need, particularly within TMBC, because of the resulting harms identified. A broad unmet need does not always result in sufficient justification as to outweigh all other policy considerations; for example, unmet housing need, which in isolation is unlikely to outweigh Green Belt policy, and especially where other harms are identified.

6.100 The applicant sets out that illegal lorry parking can cause inconvenience and nuisance to local residents, anti-social behaviour, fly tipping and crime, and put

drivers at risk of crime. As a general principle, this is accepted, and the chances of such behaviours occurring are obviously much reduced in properly managed and regulated truck stop facilities.

6.101 However, it is very difficult for the Council to quantify the extent of this problem because the applicant has not provided sufficient clear evidence as to demonstrate when and where this occurring, least of all within Tonbridge and Malling. As an anecdotal form of evidence, it is accepted that this may be an outcome of illegal parking in some circumstances. But there is simply no evidence before the Council that this is a serious problem within the locality, such that any meaningful level of weight should be attributed.

#### VSC's – Alternative sites

6.102 Turning next to the suitability of alternative sites, it is first necessary to consider relevant case law in this area and set out why the assessment of alternative suitable sites is so important when attempting to justify a proposal like this.

6.103 The relevance of alternatives sites when considering a planning application for another area was explored in the Court of Appeal decision Secretary of State for the *Environment v Edwards* [1995]. The courts set out the following criteria as to whether the relative merits of alternative sites are material considerations in the determination of another planning application:

- (i) *the presence of a clear public convenience or advantage in the application under consideration;*
- (ii) *the existence of inevitable and adverse effects or disadvantages to the public in the application;*
- (iii) *the existence of an alternative site for the same project which would not have those effects or would have them to the same extent;*
- (iv) *a situation in which they could only be one permission granted for such development or at least only a very limited number of permissions.*

6.104 It is also notable that this case was for a motorway service station, a broadly comparable form of development to the lorry park being proposed now, which also includes an amenity building and fuelling station.

6.105 Applying the above criteria, there is, broadly speaking, a public convenience to the proposed application, in the form of the dedicated lorry parking facilities. It would be most convenient and beneficial to the drivers themselves, but they are still members of the public. It would also hold some advantages for the wider public in limiting the anecdotal anti-social problems cause by unauthorised lorry parking, although as noted previously, this is difficult to measure or define with confidence.

- 6.106 On the other hand, applying criteria (ii), there is also clearly inevitable and adverse effects and disadvantages to the public of locating the development here, due to the identified harms to the Green Belt and setting of the AONB, for which significant public concern has been raised. Criteria (iii) and (iv) are also met, since there may be alternative sites that could deliver the same form of development, including within this part of Kent or further East towards Swale / Canterbury. At the same time, there is unlikely to be a need for large numbers of lorry parks, particularly within the vicinity of this part of Kent, since one facility would be expected to address all if not a large amount of need for a broad area.
- 6.107 Accordingly, it is considered that the principles set out by the Court of Appeal in Edwards is met, and the existence (or not) of alternative sites is a material consideration relevant to the determination of this case.
- 6.108 The assessment of alternative sites is also especially important because of the resulting harms here, including “in principle” harms in relation to Green Belt, its openness and purpose, as well as the setting of the AONB and nearby heritage assets. If an alternative location were to be identified that was able to deliver this type of development with less resulting harms, it would become a weighty material consideration against the approval of the scheme here, because any perceived benefits from the development could simply be provided in a less harmful manner elsewhere. Alternatively, if it was conclusively proved that there are no other options than this site, that could be a consideration of considerable weight in favour of the scheme, since there really is no other option than this location.
- 6.109 To this end the applicants have prepared an “alternative site assessment” to consider whether alternative sites could be found to meet unmet lorry parking need.
- 6.110 The alternative site assessment submitted is ultimately based around a search area of 2 miles from motorway junctions as the crow flies, with a distance of no greater than 14 miles from either Thurrock or Maidstone Services and the site area of 6.5Ha. As previously stated there is no supporting information given as to the need for a site of 6.5Ha in either the planning statement or the alternative site assessment other than a brief mention that a certain number of facilities are needed to enable it to be signed from the Strategic Road Network. Indeed, para 81 (i) of Circular 01/2022 states that the HGV parking can be service areas, rest areas or truck stops. The basis of the location proposed therefore appears to be based on size and distance from other services rather than on actual need for a facility of that size and whether constraints would preclude the site being brought forward.
- 6.111 The Circular and TfSE parking study make reference to a range of parking facilities being available for HGVs. The alternative site assessment makes no mention of whether it is possible to extend the existing 28 HGV parking spaces at Maidstone Services, a location outside the Green Belt, where full facilities are

already available and whether the 'need' for parking could be met by a significantly smaller truck stop at one of the other potential sites considered where there would be a need for a smaller land area.

- 6.112 The search criteria, in looking at a distance as the crow flies from motorway junctions does not actually take into consideration the road layout at these junctions. The location would not be directly served from the M20 eastbound as vehicles would have to leave the motorway and head along the A20, through an area of mixed use including residential development.
- 6.113 It is accepted that much of Kent holds similar Green Belt and also AONB restrictions, but there is simply insufficient evidence that all reasonable alternative sites have been ruled out, which is considered important to evidence given the identified harms at this location. Until such time that all alternative sites based on actual need in that location can be definitively ruled out, this is a material consideration that seriously damages the applicant's case.
- 6.114 Therefore, it is not considered that sufficient very special circumstances have been demonstrated. There is insufficient compelling evidence on the immediate need for the development in this location, the level of harm resulting from unmet need, and whether alternative, less harmful locations exist that could meet it.

#### Conclusions and Planning Balance

- 6.115 Drawing together all the numerous strands of this case, including areas of policy conflict and harm, and areas where the development would comply with policy and provide wider benefits, the following conclusions are reached.
- 6.116 The development would constitute inappropriate development in the Green Belt. This is harmful by definition. In addition to this definitional harm, the proposal would also result in a widespread and significant spatial and visual loss of openness. Furthermore, it would fundamentally conflict with a key purpose of including land within the Green Belt. The NPPF requires harm to the Green Belt be afforded substantial weight as a minimum. The totality of harm to the Green Belt in this case leads to very substantial weight be afforded against the scheme.
- 6.117 The development would cause significant harm to the rural character and appearance of the area and would harmfully erode the setting of the Kent Downs AONB. Paragraph 182 of the NPPF places great weight on conserving and enhancing landscape and scenic beauty of the AONB, as a minimum. The level of harm to the AONB setting, and the rural character of the site are considered to be substantial, and therefore substantial weight is afforded against the scheme for the harm it would cause.
- 6.118 The development would result in mid-range less than substantial harm to the setting of two Grade II Listed buildings. This triggers the public benefits test required by paragraph 208 of the NPPF.

- 6.119 Turning then to the benefits of the scheme and areas of policy compliance, the development would assist with meeting broad unmet need for lorry parking in Kent, in accordance with paragraph 113 of the NPPF. Furthermore, the benefits of increased lorry parking to support the strategic freight network are explicitly set out in Circular 01/2022 and the TfSE Parking Survey. As a result, the benefits of providing additional lorry parking in principle are considered to attract significant weight in favour of the scheme.
- 6.120 However, the overall weight to be attributed to this is tempered by the failure of the applicant to provide a compelling case on the urgency of meeting this need with this quantum of development at this location. No specific evidence of harm has been provided within Tonbridge and Malling or elsewhere as a direct result of this unmet need. Additionally, there is a reasonable prospect of alternative sites existing where all the benefits of providing lorry parking would still be delivered, in a location not subject to anywhere near the same level of identified harm to sensitive designations.
- 6.121 The Council recognises the difficult conditions for lorry drivers and the importance, in principle, of providing adequate facilities to support the freight industry and by extension the economy. But as noted, it is not the policy of the government to provide such facilities at the expense of all other considerations.
- 6.122 Balancing out the weight of harm caused by the scheme with the identified benefits, it is considered that if there were no other objections, the public benefits of the development in the provision of new lorry parking would outweigh the less than substantial harm to the setting of nearby heritage assets, in the circumstances of this case.
- 6.123 However, the totality of other harms, Green Belt and AONB, are substantial in quantum to the extent that they are overwhelmingly decisive in the final planning balance. These harms are not outweighed by the identified benefits of this scheme, particularly given the inherent problems with the scale of the proposed development at this sensitive location. It follows that very special circumstances do not exist to clearly outweigh the harm to the Green Belt and the other harms, and the development as a whole is in conflict with the adopted development plan and national policy. No material considerations exist of sufficient weight to make a decision otherwise in accordance with the development plan, and therefore the application is recommended for refusal.

## **7. Recommendation:**

### **7.1 Refuse planning permission** for the following reasons:

- 1 The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been



demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 142, 143, 152, 153, 154 and 155 of the National Planning Policy Framework.

- 2 The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs Area of Outstanding Natural Beauty through the introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 182 and 135 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

Contact: Robin Gilbert

## **Appendix: Comments submitted on behalf of Wrotham, Platt, Borough Green, Addington and Stansted Parish Council**

### First Comments

#### 1. Introduction

- 1.1 HIGHGATE Planning & Development Consultants have been instructed by an alliance comprised of Wrotham, Platt, Borough Green, Addington and Stansted Parish Councils, to review planning application 23/00681/OAEA for the construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works at Land Part Of Wrotham Water Farm, Off London Road, Wrotham, Sevenoaks, Kent. We have reviewed all the planning documentation associated with this application and write to strongly object to the proposal on behalf of our clients.
- 1.2 This objection should be read in conjunction with the following supporting documents:
  - Appendix 1 - Counsel Objection Letter prepared by Dr Ashley Bowes, Barrister, LLB, PhD
  - Appendix 2 - LVIA rebuttal prepared by Michelle Bolger Landscape Consultancy
  - Appendix 3 - Transport Assessment prepared by Les Henry Associates (these documents are available to view on the TMBC website)
- 1.3 This statement sets out a review of the planning documents and addresses the key relevant issues for the determination of the application. It concludes that the proposal is in fundamental conflict with the development plan and national policy, and that no material considerations exist to justify a departure from them. The alleged benefits identified by the applicants, when weighted against the substantial and demonstrable harm that would occur, are clearly and significantly outweighed by those harms, such that planning permission should be refused.
- 1.4 Chapter 1 of this statement sets out the introduction. Chapter 2 sets out the context and planning history of the site. Chapter 3 provides a brief overview of the development. Chapter 4 analyses the planning case put forward by the applicants, and demonstrates conclusively that it is fundamentally flawed. Chapter 5 turns to the overall planning balance and sets out our conclusions, having regard to all the evidence.

#### 2. Background & Policy Context

- 2.1 The site lies on the western side of London Road within the Tonbridge and Malling administrative boundary, in the Parish of Wrotham. It is comprised of gently undulating fields that are undeniably rural in character, marked by hedgerows and small pockets of tree cover. It forms a continuous block of open

land that extends westward, bounded by the M26 motorway to the south. It is currently in agricultural use and totals around 6.5 hectares.

- 2.2 Within the immediate setting of the site there are significant concentrations of development, generally located on the opposite side of London Road. This includes the Nepicar Park commercial estate, and the recently constructed Oakdene Trade Park, both containing a range of B8 storage and distribution uses. These are designated as a Major Developed Site in the Green Belt.
- 2.3 In addition to this, there are some pockets of residential dwellings, including immediately opposite the site, as well as a petrol station and other commercial units along Gasoline Alley. To the north is a Grade II listed Pub, the Moat, and Grade II listed Moat Cottage.
- 2.4 The site lies wholly within the Metropolitan Green Belt, which washes over this area and includes the adjacent commercial sites on the eastern side of London Road. Additionally, to the east is the boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB). There are no other relevant designations covering the site, which lies outside of a flood zone, SSSI, Conservation Area or settlement boundary.
- 2.5 Despite the presence of significant concentrations of development to the east and north, the site itself has a clearly different open and rural character, and stands in contrast to these built-up parts, as a buffer to the surrounding open countryside, limiting further incursion of development westward.
- 2.6 The site has notable planning history as far back as the early 90's. Under application reference 92/10028/OUT, a broadly comparable form of development comprising a motorist's service area, filling station, restaurant, shop, toilets, AA office, car & lorry parking was applied for. This development was dismissed on appeal and remains an important material consideration, which is discussed in subsequent sections of this statement.
- 2.7 More recently, a directly comparable application was made under reference TM/21/02648/OAEA, for more or less the same proposal. This application was refused by Tonbridge and Malling Borough Council (TMBC) for the following reasons:
  1. The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework.
  2. The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs Area of Outstanding Natural Beauty through the

introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 176 and 130 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

3. The proposal has not demonstrated that the development could be delivered without an unacceptable safety impact and severe residual cumulative impacts on the local and strategic highways network, in fundamental conflict with paragraphs 110 and 111 of the National Planning Policy Framework, and policies CP2 of the Tonbridge and Malling Core Strategy and SQ8 of the Managing Development and the Environment Development Plan Document.
4. The development would result in harm to protected species through the provision of inadequate compensatory habitat, in conflict with policy NE3 of the Managing Development and the Environment Development Plan Document and paragraphs 174 and 180 of the National Planning Policy Framework.
5. The proposal would harm the amenity of neighbouring properties from the overspill of headlights in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document and paragraph 185(c) of the National Planning Policy Framework.

2.8 It is presumed that this latest application seeks to address the reasons for refusal made in the previous scheme. This statement will demonstrate that they remain valid, and that no material changes have been made to the development that would justify a departure from the Council's previous conclusions.

### 3. The proposed development

- 3.1 We note that Moto Hospitality Ltd (the applicants) seek permission for a 24-hour truck stop facility for up to 200 HGVs, incorporating fuel station; amenity building of up to 1100 sqm and creation of a new access to the A20 via roundabout. The application is submitted in outline form, with all matters reserved except access. Indicative site layouts are provided, showing an extensive area of parking and large amenity / fuelling building, along with circulation space and internal roads.
- 3.2 Although the application is submitted in outline form, we consider it high likely that the development will be delivered with a layout very similar if not identical to the indicative plans provided. Since the access point is fixed in the parameters of this application, it seems inevitable that the 200 spaces will be located in the widest part of the site, the amenity building / fuelling area where the site is narrower, and balancing ponds at the lowest parts of the site for obvious reasons.

- 3.3 This means that a reasonable degree of confidence can be had in the likely end appearance of the scheme, even in the context of its outline nature, and having regard to the parameters sought in the description of the development.
- 3.4 A number of observations can therefore be drawn from the indicative layout in light of this. Firstly, it is noted that the lorry parking area is very close to the site boundary in several areas, with particular pinch points in the northern and eastern limits of the parking area. Even assuming some leeway to be resolved under the reserved matters stage, it does not appear possible to provide any meaningful level of landscaping or planting in these areas. The development would therefore be highly visible, at a minimum, from the adjacent fields to the north and west.
- 3.5 Secondly, the changes to the layout from the last scheme now include new verges in front of the adjacent residential dwellings (see below), on which the “headlight screens” would be installed. This appears to be in response to a previous reason for refusal by the Council, raising significant concerns over the impact of lorry headlights on the amenity of these properties, through light spillage during all hours of the night.
- 3.6 Whilst acknowledging that these are indicative arrangements, the Council’s Environmental Health Officer has already confirmed their necessity to make the development acceptable. Since the position of the residential properties is fixed, it does not appear possible to provide the screens in any other position or to anything less than the 2m height proposed.
- 3.7 Accordingly, reasonable conclusions can again be drawn that this element of the design is highly likely to remain consistent through the reserved matters phase. The layout shows a series of 2m high fences in a staggered arrangement on a highly prominent section of the road. They would undoubtedly represent a very poor design feature, screening off the frontages of the houses behind, in a visually conspicuous and incongruous manner.
- 3.8 In light of these observations, it is then necessary to consider the relevant planning policy considerations of the development as a whole.

#### 4. Planning Assessment

- 4.1 This chapter sets out the most relevant planning issues for consideration of the development, in order to demonstrate clear policy conflict. Given that TMBC previously found some matters to be acceptable for the withdrawn scheme of a similar nature, this statement does not seek to re-open those issues which are unlikely to be considered differently in this case. This includes drainage, heritage impacts, archaeology and contaminated land.
- 4.2 The relevant considerations which we consider have not been sufficiently addressed by the applicant are therefore set out as follows:

- The principle of the development at this location, including the impact on the Green Belt, whether the development is appropriate, the effect on openness, and any conflict with the purposes of including land within it.
- The effect of the development on the character and appearance of the area / its visual impact, including on the setting of the Kent Downs AONB.
- The effect of the development on the amenity of neighbouring residential properties, by reason of noise, disturbance or light pollution, as well as the visual effects of the proposed headlight mitigation highlighted under chapter 3.
- The effect of the development on the safety and operation of the road network, including local roads and the strategic highway network, from trip generation and vehicle movements, and whether this would unacceptably affect highway safety, or whether it would lead to severe cumulative traffic build up.
- If the development would harm protected species, ecology or biodiversity, and if so whether adequate mitigation is proposed and if it can be delivered.
- If sufficient very special circumstances have been evidenced, such that the harm to the Green Belt, and any other harm, are clearly outweighed by the benefits of the scheme. This includes consideration of planning policy support for new lorry parks.

4.3 These matters are addressed in turn as follows.

Principle of the development / Green Belt

- 4.4 We concur with TMBC's previous conclusions that the development is unarguably inappropriate within the Green Belt, and note that this is common ground with the applicant who do not suggest otherwise. It is not considered necessary to repeat in full the relevant sections of the NPPF, save to say that paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.5 Paragraph 148 continues that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 4.6 There is also additional harm arising to the Green Belt beyond the inappropriateness of the development and resulting substantial loss of openness. This is because the proposal is also in conflict with at least one of the purposes of including land within the Green Belt, as described under paragraph 138 of the NPPF: to assist in safeguarding the countryside from

encroachment. Although this part of Wrotham may not be a “large built up area” it is contended that the need to check unrestricted sprawl is also a relevant consideration for assessing the effect of the development on Green Belt purposes.

4.7 Accordingly, it is considered that the proposal is in clear conflict with Green Belt policy. Even within the scope of the development sought at this outline stage, there would be significant harm to the Green Belt through

(1) the inappropriateness of the development,

(2) the substantial loss of openness from the new buildings, roads, extensive areas of hardstanding, the parking of up to 200 HGVs, and associated infrastructure including fences, retaining walls as required, and lighting.

Finally, harm to the Green Belt would also arise as a result of (3) conflict with the purposes of including land within it, through the sprawling encroachment of the development into the open countryside.

4.8 We consider that the harms arising from this conflict are significant and demonstrable. The principle of the development in this location is contrary to local and national policy on Green Belts, and must attract very substantial weight against the proposal.

#### The effect of the development on the character and appearance of the area / Kent Downs AONB

4.9 This objection is accompanied by Landscape Briefing Note 1 prepared by Michelle Bolger Landscape Consultancy (Appendix 1). This considers in detail the visual and landscape impacts of the development, including its effects on the AONB and its setting, as well as commenting on the visual impacts of the Green Belt and its openness.

4.10 The assessment notes that the site falls within the Kemsing Vale Landscape Character Area (LCA) and within the setting of the chalk scarp, which is integral to the experience of the AONB and a particularly important element of the local landscape that merits protection, as recognised by the Kent Downs Area of Outstanding Natural Beauty Setting Position Statement 2020.

4.11 The assessment recognises the existing detracting visual features within the setting of the site, including the adjacent industrial estate and other development, as well as the nearby M26 motorway, but notes this is relatively well screened.

4.12 The overall significance of the local landscape is judged to be medium, with some features consistent with a valued landscape. It undeniably forms a positive contribution to the setting of the AONB as a result of its open and rural character, providing a buffer and counterbalance to the detracting existing features within the locality.

- 4.13 It further notes the following harms arising from the proposed development in respect of landscape character:
- A representative part of the Kemsing Vale LCA would be lost.
  - The setting to the adjoining AONB would no longer be rural in character but urban. In this regard the development would exacerbate the degradation of the AONB setting which is one of the 'main landscape character issues' identified in the AONB Management Plan<sup>11</sup>.
  - Attractive views south across the site from the southern edge of the AONB (along the A20) towards the rising wooded greensand slopes would be obscured by the development, including HGVs parked within the secure compound, and potentially mitigation planting.
  - There would be a cumulative impact in combination with existing developments on spectacular views out from the escarpment within the AONB. This impact is addressed in more detail below.
- 4.14 Furthermore, Green Belt visual harm is identified from loss of openness from hardstanding, parked lorries, associated movements and activity, and by the new buildings.
- 4.15 Finally, the following errors are identified within the applicant's submitted Landscape Visual Impact Assessment (LVIA), which fails to:
- Consider the relevant issues and aims identified in the AONB Management Plan or the actions for the Kemsing Vale LCA as part of its assessment of susceptibility.
  - Refer to the AONB Setting Statement or assess the development in relation to the specific matters highlighted in the Statement, such as the importance of views out from the scarp and the potential for cumulative impacts.
  - Assess the effect on the AONB resulting from the cumulative impact of development in views out from the escarpment.
  - Address the impact of the proposals on the openness of the Green Belt; nor
  - Whether the proposals would adhere to the purposes of including land within the Green Belt.
  - Follow best practice with regard to Assessing landscape value outside of national designations as set out in TGN 02/21 Assessing landscape value outside national designations, prepared by the Landscape Institute (February 2021).
  - Follow best practice with regard to the presentation of photographs and the provision of visualisations, as set out in TGN 06/19 Visual Representation of Development Proposals prepared by the Landscape Institute (September 2019).



- 4.16 We are extremely concerned about these obvious deficiencies within the LVIA, which does not form a suitable basis for considering the significant harms arising from the proposed development. It is considered entirely robust to reject the scheme on this ground alone, but at the very least, the applicant should be made to revisit the LIVA and provide an accurate assessment.
- 4.17 Even so, using the applicant's flawed LVIA as a starting point, by its own admission the residual effect on the local landscape and AONB (as separate receptors) would be moderate adverse and significant during the 'construction', 'operational' and 'decommissioning' phases (although it does not seem likely that the site would ever be decommissioned). It would be at least 15 years before the proposed landscaping could start to mitigate harmful effects, which is a very significant period of time in planning terms.
- 4.18 In the expert opinion of our landscape consultant, the proposed landscaping would be wholly ineffective, failing to mitigate the following clear landscape harms:
- The loss of a representative part of the Kemsing Vale LCA.
  - The change in character of the setting to the adjoining AONB from rural to urban.
  - The loss of attractive views south across the site from the southern edge of the AONB towards the rising wooded slopes of the Greensand Ridge, and in fact may itself contribute to the loss of these views if implemented as screen planting.
  - The cumulative impact in combination with existing developments on spectacular views south from the escarpment within the AONB.
- 4.19 Having proper regard to the submitted evidence, and the more accurate and robust conclusions of our landscape expert, the resulting harm to the rural character of the area, and setting of the AONB, would be permanent and substantial, and by virtue of the quantum and scale of development proposed, incapable of being mitigated against by increased landscaping. This is particularly the case given the cramped site boundaries indicated in the parameters plan, with minimal spacing at several locations where effective landscaping is unlikely to take hold.
- 4.20 The resulting conclusions in respect of landscape visual impact and the setting of the AONB, as supported by our expert advisor in this field, is that the proposed development would have a substantially harmful effect. It would not achieve the recommended actions for the Kemsing Vale LCA22 nor the landscape character aims set out in the AONB Management Plan.
- 4.21 It would exacerbate the degradation of the AONB setting which is one of the 'main landscape character issues' identified in the AONB Management Plan. The overall effect upon the local landscape, which includes the AONB and its setting, would be moderate adverse, and significant.

- 4.22 The development would result in moderate adverse, and significant effects on the visual amenity of people using the A20 and people using public rights of way within the AONB.
- 4.23 It is also noted that these were the conclusions of the Kent Downs AONB unit, both in respect of the previous scheme and this resubmission. Their comprehensive response raises a strong objection, and should be afforded great and considerable weight, as a statutory consultee. In particular, they highlight the failure of the applicant to acknowledge the sensitivity of key receptors on the Kent Downs escarpment, where public open access would routinely occur and the site would be very prominent.
- 4.24 They further note the significant harm that would arise from the 24-hour use of the site, which would need lighting all night, causing further visual intrusion to the setting of the AONB and erosion of dark skies within the locality. We support the objections of the AONB unit and agree with their robust findings.
- 4.25 It is also important to note these conclusions have already been tested on appeal, in 1992 under reference (92/10028/OUT). The inspector agreed that the similar development proposed then “would be a substantial intrusion into this open countryside with an adverse and unacceptable impact”. Whilst this decision may be of some vintage, we do not consider that there has been any material change in policy or the local landscape which would lessen the resulting harm to the open and rural character of the area, and AONB setting. If anything, the introduction of detracting commercial development opposite the site in more recent years only serves to increase the importance of protecting this area.
- 4.26 Accordingly, for all of the reasons set out above, there would be direct conflict with policies CP24 and CP7 of the TMBCS, SQ1 of the MDEDPD and paragraphs 176 and 130 of the NPPF. Additionally, there would be clear conflict with the principles and policies of the Kent Downs AONB Management plan, including policies SD1, SD2 and SD8, and MMP2.

#### Neighbouring Amenity

- 4.27 The key issue in respect of neighbouring amenity as identified by the Council in the last refused application related to light pollution from headlights sweeping past the windows of adjacent residential properties. Whilst the applicant now proposes a solution in terms of the 2m high fencing along the frontage of these properties, as noted above, it would appear as a highly incongruous feature within the street scene.
- 4.28 The development is therefore caught between two conflicting but equally important considerations and there appears to be no solution. The proposed mitigation to neighbours to prevent harmful loss of amenity results in harmful impact on character. Should these features not be progressed at the reserved matters stage, in order to reduce the visual effect of these discordant fences,

the proposed would then conflict with policies CP24 of the TMBCS and SQ1 of the MDEPDD, as well as paragraph 185(c) of the NPPF, which requires development to limit the impact of light pollution on local amenity.

- 4.29 There appears to be no obvious solution to this problem which we consider is further strong evidence that this location is simply unsuitable. This adds further weight to the already robust case to reject the application outright, or at least, the applicant should undertake further work to redesign the access in order to safeguard residential amenity without the resulting impact to the street scene.

#### Highways & Transportation

- 4.30 Transport Consultants Les Henry Associates Limited (LHA) have been appointed to review the applicant's submitted Transport Statement. Their report, which is appended in full to this letter of objection as Appendix 3, raises significant doubts over the veracity of the highways impacts of the development.

- 4.31 Firstly, LHA note a number of errors within the baseline evidence used to inform the traffic modelling. This includes:

- The dates for baseline traffic, opening year and 10 years post opening should be revised to reflect the delays to delivering the development as a result of the initial planning refusal
- Paragraph 8.2.1 of the TA refers to "proposed residential land use". It is unclear if this is a typo or a flawed date set being referred to
- inconsistency in the choice of traffic data used in the Traffic Impact as "WebTRIS data from 2019 is the most robust but surveys undertaken in 2021 are also utilised in the impact assessment
- In order to calculate the 2025 'with development' flows, the total development flows have been added to the 2025 base flows. However, the construction period, year of opening and subsequent future year assessment dates and therefore additional traffic flows used for the analyses are questionable

- 4.32 Furthermore, LHA go on to review the cumulative build up of traffic on key junctions in the area if the development is constructed. This is expressed as RFC (Ratio of Flow to Capacity) where 0.85 is generally the point where an arm of the junction reaches theoretical capacity and vehicle queues start to build exponentially. A figure of 1.00 indicates the section of road / junction is saturated with traffic and will in practice be blocked.

- 4.33 They find that the use of July 2021 surveyed traffic and vehicle queue data is not a robust basis to inform the modelling, and that up to date modelling data should be used. Furthermore, the results of the analyses predict substantial additional vehicle queuing on the M26 East arm of the junction which would extend some 600m from the give way line at the roundabout entry and a vehicle queue on London Road south approaching 250m in length for the 2031

“with development” scenario. This is of great concern to the Parish Councils, and strongly suggests a bleak long-term picture for traffic queues in the vicinity of the site.

- 4.34 Additionally, they raise significant concerns in respect of lack of TA modelling for the Oakdene Park development opposite the site. The increase in vehicles queuing shown in the results of the analysis is in fact 53pcu (nearly 320m) for the M26 East arm 2025 “with development” scenario when comparing the 2021 base year AM peak, and an additional 80pcu (480m) when comparing the 2031 with development scenario.
- 4.35 The queue lengths that are predicted are so long they would extend beyond the start of the westbound off-slip of M26 junction 2A and onto the nearside running lane. The modelling within the TA and the understanding of the results is therefore incorrect and unsound. This strongly points towards clear conflict with paragraph 111 of the NPPF.
- 4.36 The conclusions of LHA are that the additional vehicular traffic generated by the proposals would have a significant impact on the local highway network between M20 Junction 2 eastbound off slip/A20 London Road and M26 junction 2A.
- 4.37 The applicant has completely failed to consider traffic impacts for five junctions and only conducted a wholly inaccurate analysis the M26 J2A where even so, significant vehicle queuing is predicted in all scenarios.
- 4.38 The PCU value for HGV’s used for the traffic modelling is also incorrect and should be increased from 2.0pcu to at least 2.3pcu, but preferably 2.5pcu for robustness.
- 4.39 Finally, the Transport Assessment relies upon a number of different traffic surveys from several different years and locations, and cannot therefore be truly representative of existing, predicted additional traffic flows and post development traffic scenarios. The opening year for the development has been incorrectly stated as being 2025, which is highly unlikely given the delays to a consent thus far and the level of highways improvement works needed. Subsequent future year for traffic impact assessment have been incorrectly identified as 2031.
- 4.40 The significant impact from the proposed development in terms of capacity and congestion and highway safety across the wider local and strategic highway network has not been accurately identified, and it is therefore unclear whether the impacts of the proposals can be effectively mitigated to an acceptable degree.
- 4.41 The highways acceptability of the scheme is clearly fundamental to the principle of the development, and goes to the heart of the acceptability of the scheme. The report prepared by LHA identifies numerous evidential errors and flaws in the approach undertaken in the applicant’s TA, such that it cannot

be relied upon as a robust basis to consider the likely highways impacts of the development.

- 4.42 It is therefore imperative that the Council adopt a precautionary approach to the scheme. A failure to do so could have dire consequences for the safety and operation of the highway and strategic road network in the area. We consider that permission should be refused; or at the very least, extensive further work carried out to address the serious defines within the TA.
- 4.43 Concluding on this matter, the development would remain in direct conflict with paragraph 111 of the NPPF, Policy CP2 of TMBC Core Strategy and Policy SQ8 of the MDE DPD.

#### Protected species, ecology and biodiversity

- 4.44 The submitted ES notes a loss of some 1,031m<sup>2</sup> of Dormouse habitat, of which 686m<sup>2</sup> is identified as good quality habitat. The majority of this is on the frontage of the site along London Road, which would be destroyed by the installation of the new access points. Habitat retained on this frontage would be highly compromised and fractured by the increased activity on the site, including light pollution, additional noise, HGV movements, litter and general activity. The report does not adequately consider these impacts on the inherent vulnerability of this species to habitat fracturing.
- 4.45 Furthermore, whilst the ES proposes additional areas of new planting, the impact of activity from the site on this species has been ignored. The ES specifically notes that “No studies have been undertaken on the impact of lighting on dormice” (Paragraph 5.5.23 – ES Chapter 5 – Ecology). Accordingly, it is not possible to determine whether the compensatory habitat, including linked habitat around the periphery of the site, is suitable to compensate for the substantial loss of existing good quality Dormouse habitat that is currently not subject to 24-hour lighting. No confidence can be had in the applicant’s Biodiversity net gain figures as a result.
- 4.46 It is of great concern that this matter has still not been properly addressed, despite it being a reason for refusal with the last application. We consider that there is simply no workable solution to the impacts of the development on this important protected species. The applicant’s own ES concedes that without mitigation the operational effects would be a “long term, major adverse effect” at site level and significant at the local level. Since the proposed compensatory habitat remains unsuitable, there would inevitably be serious adverse impacts on the Dormouse population.
- 4.47 In conclusion, the applicant has again failed to demonstrate that protected species would not be harmed. The application remains in conflict with policy NE3 of the MDEDPD, and paragraphs 174 and 180 of the NPPF.

## 5. Conclusions & Planning Balance / Very Special Circumstances

- 5.1 We have identified significant policy conflict in respect of Green Belt, the AONB and its setting including the character of the area, highways impacts, and harm to protected species. National policy is clear that harm to Green Belt cannot be justified unless very special circumstances (VSCs) exist to clearly outweigh both the harm to the Green Belt and any other harm.
- 5.2 These cumulative harms are very substantial and we do not consider that the applicant has demonstrated anywhere close to sufficient VSCs to outweigh the totality of this harm.
- 5.3 The applicant's case on this matter is essentially that there are no other suitable sites which could deliver the development. They point to the adoption of Department for Transport Circular 01/2022: 'Strategic road network and the delivery of sustainable development' (the 01/2022 Circular), which explains at paragraph 81 that "the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles". We note that the circular expresses that HGV parking / truck stops "should" be no more than 14 miles apart, but does not mandate this as an absolute policy requirement sufficient to set aside all other considerations. Additionally, the NPPF, as the primary source of planning policy at a national level, has not been updated to demand such an outcome.
- 5.4 This is relevant because it is clear that whilst a 14-mile maximum distance between rest stops is clearly desirable, there is nothing in national or local policy which strictly requires this at the expense of all other policy considerations. To put this another way, if the only location for a new truck stop to prevent a gap longer than 14 miles was on the site of a Grade I Listed building, or scheduled monument, or Site of Special Scientific Interest, it would not be the case that all of these highly important designations must simply give way to a new lorry park, regardless of the resulting harm. This matter is fundamental to our objection, and the review of the applicant's VSC case must be seen in this context.
- 5.5 The applicant's "assessment of alternative sites" (AoAS) focusses purely on the distance between Thurrock Services and Maidstone Services, which is stated to be a 31 mile / 36 minute drive. We note that whilst this exceeds guidance in the DtF circular, it only represents roughly 15 minutes additional driving time above the optimum 14 mile gap. This is clearly not a severe or exhaustive distance such that the health and safety of HGV drivers is in immediate risk, and there is no evidence supplied to suggest this is the case.
- 5.6 Additionally, the assessment fails to quantify the number of spaces required for HGV stop overs between this gap: every HGV does not need to stop at every 14-mile interval. If there are HGVs in need of a rest stop between this gap, the onus is on the applicant to quantify this in order to demonstrate the scale of the need, but no such quantification exists. The statement at paragraph 3.8 of the AoAS is jumping to an extraordinary conclusion

unsupported by evidence, and we would like to understand how many further HGV stops would be needed across the countries motorway network (and in Kent) if this was to be applied as rigidly as suggested by the applicant.

- 5.7 Furthermore, the applicant provides no evidence on what other truck stop facilities exist in the area. Whilst it is acknowledged that there is no local facility of the same scale as being proposed, there is also no evidence to suggest this is the only solution to address the gap between Thurrock and Maidstone services. Smaller local truck stops already exist in the vicinity, and without any quantification of need or the demand for particular services, there is no justification to conclude the only solution is a development of the scale envisaged. The circular simply refers to some form of rest stop, be it service areas, rest areas or just a roadside truckstop. Nothing relied upon by the applicant mandates a facility of this scale being provided in this location.
- 5.8 The assessment of alternative sites remains a flawed and cursory exercise designed only to support the applicant's existing site at Wrotham. Each broad area of search between Thurrock and Maidstone Services is extremely high level, does not bother to examine individual areas of land, does not explore all three alternative opportunities for HGV parking (including smaller scale facilities) and dismisses wide areas without any real analysis. For example, the area of search around M20 – Junction 7 shows numerous parcels of land. Whilst it is accepted many of these will not be suitable, no specific sites within this area are reviewed, and the area is instead dismissed with only the following explanation: "All land within the 2-mile radius surrounding Junction 7 of the M20 is situated within the Kent Downs AONB. To the south, the land immediately adjacent to the junction is occupied by existing development at Eclipse Park and Newnham Court Shopping Village. Land to the east and southeast of the Shopping Village is accessed via B roads. To the west and south-west, the A249 routes through established residential areas in the suburbs of Maidstone. For these reasons, it is concluded that there are no suitable sites for truckstop development at Junction 7 which can help meet the need for HGV parking facilities between Maidstone Services and Thurrock Services."
- 5.9 This is nowhere near robust enough to draw any meaningful conclusions from, and the remaining assessment of other junctions continues this theme. For example, A282 – Junction 1b is ruled out because it is "much more densely populated by existing development than the land at Junction 2, which limits the number of sites that could be utilised for truckstop development." No specific analysis of land parcels within this area is provided, so it remains impossible to know if potential sites were excluded for robust reasons. It is particularly concerning that the applicant clearly has a vested interest in bringing their own site forward, and so would not be expected to identify other land that would compete with it or weaken the case for the development of their preferred site. The entirety of the AoAS is a circular exercise designed only to support the proposed development. Rather than starting from the basis of identifying the best location for a new truck stop, it strongly appears that the applicant has their

chosen site under option for many decades, and simply tailored the evidence to support it being the only choice.

- 5.10 In subsequent sections of the AoAS which drill down into individual land parcels within the applicant's preferred area of search, which curiously aligns with the area in which the proposed site is located, parcels are again discounted for trivial reasons without proper analysis. For example, Land North-West of Junction 2 of the M25 is ruled out for the following reasons:

"Precise gradients are not available at the time of writing however the A282 does look to be on an incline and careful checks would be required to confirm if this is in excess of the 8% maximum (para 10.1.2 CD169)."

"Due to the difficulties associated with providing an efficient access, with efficient routing to the SRN, this site is discounted from further consideration for truckstop development"

- 5.11 The applicant is already proposing major changes to the road network to facilitate the development of the application site. It has not been robustly demonstrated why similar changes at this site could not overcome the constraints identified, or whether a smaller scale development could be delivered instead. Other sites are further ruled out for exceeding the desired 14-mile distance from Thurrock Services, without regard to the policy constraints, scale or type of need, or resulting harm from the applicant's preferred site. We strongly contend that the AoAS is not a robust sequential exercise but a single issue assessment designed solely to support the developer's existing site in Wrotham.
- 5.12 Once again, the developer has wholly failed to demonstrate that this location is the only possible option for delivering a truck stop. This is fundamental to the entirety of their VSC case, and since this is not robustly demonstrated, the resulting harms do not come close to being clearly outweighed.
- 5.13 Other matters raised by the applicant as a cumulative evidence of very special circumstances include repeated references to overnight illegal lorry parking in Kent (Figure 10: Table from KCC's Overnight Lorry Parking Survey 2019 in the applicant's planning statement). We note this survey is significantly out of date and indicates that the most pressing areas of need are Canterbury and Swale, far away from Tonbridge & Malling. This evidence is not considered to assist with the VSC case, and the references to a critical saturation in overnight HGV parking in Kent is so broadly dispersed geographically that this does not provide any meaningful justification for meeting this need here.
- 5.14 Equally references to environmental harm and incidences of anti-social behaviour from unauthorised parking are not quantified or specific enough to add any meaningful weight in favour of the scheme. This is simply anecdotal evidence. No specific examples relative to this area, or even Tonbridge and Malling Borough, have been provided.



- 5.15 In consideration of the substantial quantum of cumulative harms identified, we firmly contend that the applicant has failed to demonstrate anywhere close to approaching VSCs sufficient to outweigh this level of harm. The policy conflict arising from the development is so compelling that the inevitable conclusion is that this is simply not an appropriate place for a facility of this scale. The applicant's case rests almost entirely on the desirable 14 mile gap between HGV services, and fails to recognise that this is but one policy consideration to be weighed against the resulting harms, and that the circular does not mandate that a facility of this scale must be provided in every gap.
- 5.16 This is particularly important here because Thurrock and Maidstone Services are both large facilities of comparable scale to that being proposed. The circular does not require facilities of this scale at every 14-mile motorway interval, only that there is space for HGVs to stop. The scale of the required facilities must be informed by clear evidence on their need, which the applicant has failed to do. Therefore, the harms arising to Green Belt, AONB, ecology, and highways operation are so extensive that the broad need for HGV parking in Kent is significantly and demonstrably outweighed.
- 5.17 Finally, due to the inherent flaws with the applicant's AoAS, there is no justification for this level of policy harm in this location, when other, less harmful sites have not been properly ruled out, including those of a smaller scale providing more intermediate services between the larger stops at Thurrock and Maidstone. A refusal of planning permission for this scheme would be robust and readily defensible and enable the applicant to properly focus on less harmful alternatives elsewhere.
- 5.18 For the reasons set out within this statement, it is therefore requested that planning permission is REFUSED.

Second comments submitted on behalf of Wrotham, Platt, Borough Green, Addington and Stansted Parish Council

1. Further to our previous objection letters concerning this matter, we have once more been instructed by The Parish Councils of Wrotham, Platt, Borough Green, Addington and Stansted to review the additional documents and reports submitted by the applicant in relation to planning application 23/00681/OAEA for the construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100sqm.
2. The additional reports provided comprise of the following, submitted to the Council on the 18th of December 2023:
  - Alternative Sites Assessment – Supplementary Report
  - Audit Response
  - Forecasting Report
  - Local Model Validation Report
  - Technical Note – Jacobs Engineering

- 3 The focus of this letter is on the Alternative Sites Assessment and our understanding of the Council's position to date. Separately, attached as Appendix 1, Les Henry Associates have reviewed the additional transport & highways related documents, and provide their own separate commentary. This letter of objection should be read in conjunction with their report.
- 4 Additionally, all matters raised in our original objection letter dated 28/06/2023 remain valid and should continue to be considered by the Council in the determination of this application.
- 5 Since the submission of the original objection, Areas of Outstanding Natural Beauty have since be renamed "National Landscapes", and from the 26th of December 2023, a new statutory duty has come into force. This duty says that all "relevant authorities" (including local planning authorities), "must seek to further the purposes" of the designated landscape; for National Landscapes, this purpose is conserving and enhancing natural beauty.
- 6 This duty features in Section 245 of the Levelling-up and Regeneration Act 2023, which gained Royal Assent on 26th of October 2023 and overrides and strengthens the previous duty to merely "have regard" to the purposes. The implications of this will be considered in further detail later.
- 7 On the 23rd of August 2023 the applicant provided a "rebuttal" letter in response to our original objection, which clear concerned them and demonstrates the strength of the arguments it made against the proposal. Having reviewed the rebuttal letter, it does not appear to have meaningfully addressed the numerous deficiencies we highlighted.
- 8 However. we do note that the applicant appears to concede on page 5 that "[if there is] a gap in excess of 14-miles, then, as per the Circular, this is sufficient to demonstrate a requirement for a HGV parking facility", but not that the circular requires a HGV parking facility to be anywhere near the scale proposed. This is discussed in further detail below.

#### Alternative Sites Assessment

- 9 The supplementary Alternative Site Assessment (ASA) is prepared by SmithJenkins on behalf of the applicant, and explains that Council officers consider that alternative sites should not be discounted purely on the basis of Council policy CP5 (strategic gap), since it is considered to be out of date. It is stated that Policy CP5 would not, in principle, be sufficient grounds to exclude a site from consideration of its suitability to accommodate HGV parking.
- 10 Having robustly examined this document in detail, in respect of its contribution to the applicant's case, we consider that it is grossly deficient, for the following numerous reasons.
- 11 The assessment is underpinned by the same fatally flawed assumption that infects the entirety of the applicant's case, and has been previously highlighted in

our initial objection letter dated 28th June. This is the contention that because the Transport Circular 01/2022: “Strategic road network and the delivery of sustainable development” (the 01/2022 Circular) recommends no more than a 14 mile gap between HGV rest facilities, that their application should be allowed regardless of planning harm or failure to consider alternatives, including HGV parking of a lesser scale.

- 12 As we have previously pointed out, this is but one consideration to be balanced with all other material planning matters, and is not binding policy or legal statute. Furthermore, the circular in no way whatsoever mandates that the scale of the HGV parking facilities every 14 miles must be of the size proposed by the applicant.
- 13 The ASA maintains these fatal errors because it is critical to the case the applicant is trying to make to justify the development of this site. It is a plainly a deliberate error that the applicants are almost certainly aware of, but maintain this stance nonetheless in an attempt to misdirect the Council into supporting their application.
- 14 To be clear, the circular simply states that “the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles”. To comply with the circular, facilities provided could be as simple as a small area for truckstops, particularly given that large service areas are provided in roughly 14-mile intervals in either direction of the site at Clacketts Lane, Maidstone Services and Medway Services, and slightly further away at Thurrock Services to the north.
- 15 There remains absolutely no justification to provide a fifth facility of this scale in relatively close proximity to these existing large service stations, that already provide a full range of HGV rest stop facilities, including overnight / 24-hour parking, amenity buildings / shops and fuelling. If these existing service areas were more basic and only provided small stopping areas, then the applicant’s case might have more credibility, but that is not the case.
- 16 As we have consistently maintained since our first objection, the applicants have fundamentally failed to quantify the actual need and type of demand for motorway facilities providing HGV parking of this scale in this location. They have proposed this development not because of any genuine evidence based need for yet another large- scale HGV service station, but simply because this is the most commercially lucrative type.
- 17 Whilst the applicants have suggested The Kent Overnight Lorry Parking Survey (2019) demonstrates a need, we cannot accept that argument. As already noted in our initial submissions, this survey is substantially out of date, covers the whole county of which several other authority areas display far higher need, and no evidence is provided for subsequent years, which are only anecdotally mentioned in the planning statement, with no information on when the surveys were conducted, or what the levels of overnight parking were.

- 18 It also suggests that these are examples of “inappropriate” overnight parking, but does not quantify the location, duration of stay, and fails to define “inappropriate”. Later commentary in the report then omits any further reference to it being a count of “inappropriate” parking. It is not clear if these were lorries simply having a short break, or how long they remained there, or longer-term trends given the very brief window the survey was conducted for in 2019.
- 19 Ultimately this data, which is by no means robust enough to draw firm conclusions from, still fails to justify a facility of this nature. There is no evidence that the existing overnight facilities at Clacketts Lane, Maidstone Services, Medway Services, or Thurrock Services were at capacity at this time. If they were not, then this is simply a matter of increased awareness of suitable overnight stopping facilities, and more pro-active enforcement. The evidence provided to date fails to ask these important questions.
- 20 Compounding this failure is any analysis of existing truck stop facilities in the area that already provide a reasonable place to stop, and therefore already satisfy the 14-mile desirable distance espoused in the circular.
- 21 In fact, we are aware of several existing locations in the area that provide a place for HGVs to stop as a rest area, before being able to travel on to the larger service stations mentioned above, if necessary. This includes large stopping areas on both sides of the A228 / Castle Way between Leybourne and Snodland, which are also frequented by hot food trucks providing services to passing HGV and other traffic. This area is no more than 18 miles from Clacketts Lane services, 10 miles from Maidstone Services and 15 miles from Medway services.
- 22 The suggestion advanced by the applicant, that the Green Belt and National Landscape must be shattered by the proposed development to provide yet another large-scale HGV service facility just to save a maximum of 4 miles of additional travel above the desirable distance set out in the circular’s guidance, is a case entirely without merit.
- 23 Additional truck stop areas are also found adjacent to the Lower Bell, 201 Chatham Rd, Blue Bell Hill, Aylesford ME20 7EF, with several large HGV suitable parking bays often frequented by lorries. This area is approximately 20 miles from Thurrock Services, an additional journey time of 5 minutes above the desirable 14-mile limit described in the circular. It again provides an area for respite if required, with larger services located at Medway Moto just 10 minutes further drive, or Maidstone Services 9 miles away.
- 24 These are but two examples of existing truck stop facilities in the area (a third small stop area exists just to the south of the site on the A20, Wrotham Heath, Sevenoaks TN15 7RX, also frequented by hot food trucks). There are undoubtedly additional similar facilities of varying scale across the Kent County, and whilst they may not deliver the full scale of service facilities

proposed in the development, it is very clear that the circular does not require them to.

- 25 In this context, the additional ASA is totally flawed since it is predicated on this fundamental error that the 14-mile gap must be filled by a facility equivalent to the scale proposed. This immediately enables the applicant to discount virtually every other site that could well provide a perfectly adequate rest area or truck stop, just not a fully- fledged service station (although even the conclusions on that are dubious). It is small wonder that the applicant's additional ASA has only considered one remaining parcel of land, which is nonetheless swiftly and conveniently discounted anyway.
- 26 Instead of this essentially pointless circular exercise, the applicant must be compelled to first examine and quantify the actual scale of need for truck stop facilities in this area, having regard to the proximity of 4 major service stations already present on the surrounding motorway network, and in the context of numerous smaller, informal rest stop areas which nonetheless provide an area of respite in accordance with the varied need for such facilities set out in the circular.
- 27 This must also include an assessment of the number of vehicles actually needing to stop in this area, who have otherwise not been able to stop at any of the four major services stations mentioned before, and explain what the need for their stop is and what facilities are required. This is because not every HGV driver will need full overnight services, amenity buildings or fuel every 14 miles, even if they are required to take a break in this area. Drivers can make an informed decision about the type of stop they wish to make and plan their route accordingly. There remains a total absence of justification for the scale of facility proposed.
- 28 We therefore maintain that providing additional information simply due to Council policy CSP5 being out of date misses the mark entirely. We note that paragraph 1.5 of the ASA focuses on the 31-mile gap between Thurrock and Maidstone Services, again failing to quantify what number of HGVs need to stop in this gap and what level of facility they require. It also fails to explain what percentage of HGV's instead route along the A2 / M2 corridor towards Dover, where they can instead make use of Medway Moto Services, just 24 miles from Thurrock, and hardly a materially harmful additional distance above the guidance in the circular.
- 29 As already noted, paragraph 1.6 maintains that the "gap" between Clacketts Lane and Maidstone Services can only be bridged by a facility of this scale, without evidence, and fails to account for existing truck stop and rest areas already present in the area, including those highlighted previously. The ASA continues to be completely flawed for these reasons.
- 30 Paragraph 1.8 of the ASA describes a highly selective set of criteria by which other unmentioned sites have already been discounted. This includes those within a Flood Zone, "land that is currently subject to a live planning

application for non-truckstop related development” (which by no means suggests an approval or that it would be unavailable for alternative truck stop development), “Land allocated for a conflicting type of development/purpose in the relevant Development Plan” (without considering whether the case for a truckstop here would amount to a material consideration sufficient to outweigh the presence of an existing allocation), and “Other significant environmental designation/constraint (e.g. Sites of Special Scientific Interest (‘SSSIs’), woodland)”.

- 31 Additionally, for reasons that are not made clear, the ASA does not exclude land within the setting of National Landscapes, which is strongly considered to be a constraint of principle importance equivalent to SSSI’s or heritage assets, which are left out of the assessment. Neither is Green Belt land excluded, with the assessment failing to undertake a sequential approach by first considering non-Green Belt alternatives.
- 32 In truth, the reasoning for this is obvious: because such an approach would not support the development of the applicant’s preferred site, which we understand has been held under option for several decades. This simply confirms that rather than properly considering all reasonable alternative sites first, they have instead started with their desired site then sought to manipulate the evidence in favour of it.
- 33 The sole remaining site considered in this additional ASA report is Land South-West of M20 Junction 5, and it is noted that the applicant’s own assessment confirms it is suitable for the proposed development in respect of highways and road connectivity. It is also likely that a lesser form of truck stop development that would still accord with the circular could also be accommodated here.
- 34 The ASA goes on to consider distances between this site, nearby service stations and the preferred site, before concluding at paragraph 2.20 and 2.21 as follows:

“Regarding the gap between Maidstone Services and Thurrock Services, both sites satisfy the 14-mile distance requirement from Maidstone Services. However, both fail to satisfy the 14-mile spacing requirement to Thurrock Services ie. the distance in each case exceeds the maximum 14-mile distance set out in Paragraph 81 of the Circular and therefore a gap in excess of 14 miles remains. However, in determining which site equalises the distance between the two service areas, Land West of A20 falls approximately 18-miles away from Thurrock Services while Land South-West of M20 Junction 5 lies approximately 25-miles away.

Turning to the route between Maidstone Services and Clacket Lake Services, Land West of A20 eliminates the gap entirely. In contrast, Land South-West of M20 Junction 5, while able to satisfy the gap from Maidstone Services, leaves a gap of in excess of 20-miles to Clacket Lane Services.”

- 35 This is an absolutely nonsense single issue assessment, predicated purely on the desirable distance between service stations mentioned in the circular, as though all other planning considerations and policy designations were irrelevant. We note for example that this site is not within the Green Belt or the setting of the Kent Downs National Landscape, which immediately makes it vastly more sequentially preferable with far less resulting harm than the current scheme. Yet the ASA makes no mention of this at all, attributing these considerations no weight, and maintains that the applicant's existing site should still be preferred.
- 36 There is no credibility at all to this approach, and even considering the current distances advanced by the applicant, none of these are significantly in excess of the distance preferred in the circular. Were this site to be developed for a truck stop instead, the additional mileage amounts to +11 miles from Thurrock Services and + 6 miles from Clacketts Lane. In real term driving distances, for a lorry going just 55mph (still relatively slow), this would be roughly 12 and 6 minutes respectively. There is no evidence that this negligible extra distance would result in demonstrable harm to the health and wellbeing of HGV drivers in the area, or that this scale of development is justified in the Green Belt and setting of the national landscape as a result.
- 37 Added to which, it has already been noted that this fails to consider smaller intermittent truck stops in the area, and deliberately omits the broader range of acceptable truck stop facilities described in the circular. Accordingly it is not possible to confirm that the stated gaps between existing HGV parking places are accurate, since there may be smaller rest stops between these, rendering this gap non-existent. This is again symptomatic of the applicant's careful and deliberate approach of excluding evidence that does not support their case.
- 38 Furthermore, we have previously drawn your attention to appeal decision APP/F1610/W/22/3306694 - Land at Ermin Way Farm, Gloucester Road, Stratton, Cirencester, Gloucestershire GL7 2LJ, for an almost directly comparable form of development in a similar context that was rightly dismissed by the Inspector.
- 39 Despite the applicant's attempts to assert differently in their rebuttal letter, the inspector in this appeal fully vindicates the arguments being made in both our original objection letter and in this statement, particularly regarding the following:
- “Whilst some of these [existing truck stops in the area] do not provide a full range of facilities, they are capable of providing a respite area for drivers, who can then carry onto one of the larger stops located within the vicinity of the distribution centres and regional hubs.” (Paragraph 28)
- “The Circular looks at the ideal spacing distances for the operation of the network in relation to the provision of road side facilities which are served by signage. Whilst a lack of spacing along the route would be a failure to comply strictly with the Circular, it is one document which I am required to have regard

to. The Circular is intended to be read alongside the Framework and to be applied having regard to all other material considerations, as set out in paragraph 8 of the Circular.” (Paragraph 33)

“It is not possible to conclude that no alternative site would be suitable outside the AONB, or indeed that the requisite break period could not be satisfied through an alternative method, such as a two-site approach.” (Paragraph 41)

- 40 The inspector was wholly unpersuaded by the argument that he had no choice but to allow the development, regardless of harms arising, just because the circular prefers a 14-mile gap between HGV parking areas.
- 41 In summary, the additional ASA report adds nothing to the applicant’s case, and indeed, serves only to highlight the consistently flawed approach with their reasoning present since the original submission. It purports to be a comprehensive assessment of all other reasonable options but in truth does no such thing, with a highly selective search criteria that excludes some policy designations but not others, then misinterprets the circular on scale of facility required and desirable separation distances between truck stops.
- 42 It further places no weight on developing non-Green Belt land or land outside the setting of a National Landscape in favour of a site subject to both of these designations. On that basis and having regard to all of the matters raised in this letter, the very special circumstances case remains fundamentally flawed, coming nowhere close to justifying the totality of Green Belt, landscape and other identified harm.

### Traffic & Highways

- 43 Les Henry Associates have reviewed the additional transport relating documents and set out their full conclusions in Appendix 1. In summary, they find that the traffic counts were undertaken during lockdown, and so cannot be representative of the true traffic flows using that part of the highway network.
- 44 Additionally, the results predict substantial additional vehicle queuing on the M26 East arm of the junction, which would extend some 600m from the give way line at the roundabout entry and a vehicle queue on London Road south approaching 220m in length for the 2031 with Development scenario. This strongly points towards severe unacceptable highways harm from cumulative impact.
- 45 Insufficient data has also been provided to confirm the highways impact on the Whitehill Roundabout (A20 London Rd/A227 Borough Green Rd/M20 On-slip; and A20 London Road (NW&SE)/A227 Gravesend Road. Les Henry Associates confirm that due to the existing levels of congestion at these junctions, the development would have a considerable impact in terms of operation and would adversely affect highway safety.



- 46 It is therefore considered that the additional transport information does nothing to properly address the significant concerns over the effect of the development on highways safety and operation

### National Landscape

- 47 As noted, the Government has strengthened the protection afforded to AONB's by renaming them national landscapes, and imposed a new statutory duty on public bodies, including the Council, which must actively "seek to further the purposes" of these special areas. This provides a new positive and proactive duty, beyond the previous statutory function to merely "have regard" to them.
- 48 It is considered that this is a clear demonstration of the heightened importance of national landscapes, above even the strong protections already in place when they were AONB's. The statutory duty of the Council to further the purposes of national landscapes is irreconcilable with the consequences of the development, which as already set out in our initial objection, would be irreversibly harmed by the proposal. The applicant has failed to address these concerns or provide any effective counter to the robust and powerful arguments raised by the Kent Downs AONB Unit (as it was) and our earlier submissions supported by an LVIA rebuttal from Michelle Bolger Landscape Consultancy.
- 49 All our original objections on this matter remain valid and are only strengthened by the new statutory duty now in force. The totality of harms arising from the development to the setting of the Kent Downs National Landscape can only lead to refusal of planning permission.

### Other Matters

- 50 We have seen no evidence that the other matters raised in our original objection letter have been properly addressed by the applicant. Our concerns remain on the visual effect of the "headlight screens" which are of poor design, the impact of 24-hour lighting on the national landscape and the incompatibility of the landscaped areas around the site periphery for suitable replacement ecology habitat. Concerns remain in respect of the highways issues, which are addressed by Les Henry Associates in Appendix 1.

### Conclusion

- 51 In conclusion, despite the additional material provided by the applicant, the case for the development remains deeply flawed and fundamentally in conflict with the Local Plan and national policy. All the arguments being advanced have already been tested and dismissed on appeal by the Inspector for the appeal APP/F1610/W/22/3306694 - Land At Ermin Way Farm. It is inevitable that this proposal will end with the same outcome.
- 52 We urge the Council to have due regard to the substantial body of policy, evidence and public opinion weighing against the development. For the

reasons set out within this statement, we strongly maintain that planning permission must be REFUSED