

LINTON PARISH COUNCIL

<http://lintonkent.org>

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03 July 2017

To:
Members of the Planning Committee
Maidstone Borough Council

Dear Councillors

Re: 16/508659/FULL Land South of Redwall Lane, Linton

This is a long letter, with its attachments, and I apologise for that, but I hope by now you understand that this planning application proposes to inflict by far the most significant impact upon Linton in my lifetime, and perhaps beyond. It has greatly upset most voters in both the Linton and Hunton areas and we hope you will do them the favour of reading it carefully, and looking at the proposals from their point of view.

In summary, this proposal is to build a huge factory larger than three complete football pitches, in the countryside which is currently one of the most rural parts of the Maidstone area. The proposal breaches and contravenes *every single one* of your Local Plan policies, old and new, that are concerned with building in the countryside, the landscape, and environmental practice. Every one. Nor is it mentioned anywhere, within the Maidstone Development Plan.

The main points put forward in favour are related to job creation – but even that case is deeply flawed, since it is based around a consolidation of existing jobs from multiple sites. Only continued expansion, which can't be guaranteed in the present EU climate, would create more. The most obvious benefits from the proposal appear to relate to corporate image and convenient economies of scale, which we suggest don't merit the damage proposed and may well be achievable in other ways.

I have attached to this letter a response to the Planning Committee Report prepared by your own permanent officers in the Planning department. The report does not set out evenly the facts of the case but instead it highlights points in favour and downplays or omits points against – please see the analysis that follows. Regardless of what decision is reached, we will be seeking to have this report investigated further, because it does not seem to us that it represents a fair review of the application. Read it through and form your own opinion. We wish to respond to it in detail, but we have been given very little time in which to do so. This paper is therefore prepared in haste and as a small rural community we have few resources available. We wish to register our objection to the timescales involved which we consider unduly favour the applicants.

Linton may be a small rural village as stated, but it does have a crucially important role to play as an open countryside lung for Coxheath and the Borough of Maidstone. We have the

Greensand Way long-distance footpath, historic Linton Park, country lanes, farmland and a wide sweep of rural footpaths and views. We have been classified by you as Special Landscape Area. If we become a factory site that character will be lost, but nothing equivalent will be gained in return. Please help us to retain it, by suggesting to the applicants and their tenant that they must try much harder than they have to locate this international industrial site in a more suitable place, with a better infrastructure and better links to motorways etc. You will note that almost all of this business, some 90% of turnover, is in fact not local at all, but instead is related to the processing and onward transmission to supermarkets of imported goods. All these goods are transported in by lorry, and then out again. Our country lanes can't cope even with the existing traffic, as many of the individual submissions in response to this application testify.

Existing facilities, such as those already at Wares Farm and Amsbury Farm, have more than sufficient capacity to cope with all local produce both now and in the foreseeable future. It is not true that local producers will suffer, if this application is refused.

Linton regards this proposition to the Planning Committee as flawed in many areas. It breaches all settled and proposed Local Plan environmental policies, to the extent that if it is approved, all of the policies underlying the Local Plan must be called into question, and may be considered equally meaningless. We request that you refuse it, and instead ask the applicants and the underlying business concerned to seek to locate this factory somewhere that has an infrastructure more able and better equipped to support it.

Yours sincerely

[signed]

JR Whitmarsh
Chairman, Linton Parish Council

PS: In case you think the statement about the factory building being more than three football pitches in size must be exaggerated, the Football Association rules of play say that a league standard pitch must be at least 45m by 90m (4050m²). The proposed building is 144m by 97.5m (14,040m²) – almost 3½ times as large – which is more than sufficient to comfortably encompass three league pitches, and spectators too. *Please note* that this also ignores all of the parking, dock levellers, and other works. And the original factory building currently in use will still be there, and will be relet.

The total factory site, present and proposed, will be larger than six league football pitches.

Response to committee report: 16/508659/FULL

The same numbering system has been employed for ease of comparison. A more detailed version of this response could be produced if more time were to be allowed.

Summary of reasons for recommendation

This important section of the Committee Report is very unconvincing. It is full of sentences which have had to be qualified with the words "whilst" and "although," designed to undermine important facts. Stripped of those, this section actually says, in so many words:

- this is a significant departure from the development plan
- the location is wrong for the vast majority of the business concerned
- there will be serious landscape harm to the countryside
- there will be significant other impacts as well

Local Plan Policy SP17, as specifically modified by the Inspector, has removed a proposed list of permitted countryside developments and substituted the following very clear and unequivocal statement: "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in harm to the character and appearance of the area."

We argue that this application therefore qualifies for an automatic refusal and that an approval would, upon review, reflect very badly on the Borough's attitude towards the Inspector, on the Local Plan approval process, and on the value accorded to Local Plan Policies in general; which may be exacerbated by the failure to mention this provision in the committee report, other than to suggest there are ways to outweigh it (section 6.6)

1.0 Description of site

The site adjoins the Linton Greensand Ridge Special Landscape Area, Redwall Lane forming the Southern boundary. (changes in the method of landscape designation are covered in section 6 below) The area immediately to the North was classified by the Maidstone Landscape Character Assessment in 2013 (p331 et seq.) as being of an ancient and very distinct character of high sensitivity which must be conserved. The guidelines for this area include the following:

- Conserve the rural setting of traditional buildings and small settlements
- Conserve the narrow, enclosed lanes and avoid highway improvements which may weaken this characteristic
- Conserve and strongly promote the use of ragstone as a key material
- Consider the views towards any proposals across this exposed and elevated landform from the Low Weald to the south
- Conserve the undeveloped character of the landscape
- Avoid linear infill development along roads

Why does the Planning review mention none of this, apart from a glancing reference in section 6.21? Note that all of the above guidelines will be contravened by the proposal

2.0 Proposal

The dimensions quoted (144m x 97.5m) give a ground coverage area of 14,040m²

Note that this section (2.1) specifically confirms that the object of the development is to combine operations from two sites and seek efficiency improvements. There is no mention of new job creation.

The construction of the building (2.3) is of standard industrial cladding panels (fire retardant?) unsuitable for this rural location and in contravention of the guidelines quoted above

"Improvements" to Redwall lane are proposed (2.4) which also contravene the guidelines

3.0 Policy and Other Considerations

The report lists some policies, such as the Landscape Character Assessment study quoted above, but is completely silent on the numerous contraventions thereof.

4.0 Local Representations

The number of objections to the application is now close to 80, which is a large number for a small rural village. No letters in support of the application have been submitted, apart from one from Locate Kent, whose position is hardly a neutral one. We note that rather than being reduced to brief bullet points it is afforded a detailed paragraph of its own.

The many letters of objection have been reduced to 21 very brief bullet points. We don't believe that this fairly represents the range and depth of the public criticism of the proposals. By way of illustration, we attach just one letter as Appendix A, and we invite you to compare it with section 4.4 of the committee report.

We do not understand why Coxheath Parish has been omitted from the consultation and review process. It will be affected by these proposals in a number of ways, and we have been informed that if consulted they would be strongly opposed to it.

5.0 Consultations

We note that MBC Landscape appears to object to the application, but the mention is brief and unclear and a relevant underlying document cannot be found on the planning portal.

6.0 Appraisal

This is a lengthy section of the document presumably intending to strike a balance between the positive and negative aspects of the application, which we do not believe it does.

We do accept that a proportion of the existing facility's business involves processing local fruit production. Exactly what proportion differs from document to document but it appears to be around 10% of turnover. It is clear that current capacity at Wares Farm and elsewhere locally is more than sufficient to service that level of output, so local processing should not be used as an argument in favour of the proposed expansion, the vast majority of which relates to processing and onward distribution of imported fruit. Extensive mention is made of Clockhouse Farm specifically, and we note in passing that the owners are directors and shareholders of Berry Gardens Ltd.

The appraisal quotes NPPF policy para 19 in support of the application, but it fails to seek a balance by mentioning more negative statements such as:

Para 17 Core Planning Principles, one of which states that planning should "take account of the differing roles and character of different areas... recognising the intrinsic character and beauty of the countryside..."

Para 109 NPPF states that "The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing the valued landscapes..."

So far as alternative sites are concerned we believe that this section is disingenuous. The applicants own the land on which the new factory is to be sited and have a clear interest in not looking too hard elsewhere. The tenants, Berry Gardens, prefer to be in a rural area because they consider it improves their corporate image. It will also be convenient for them to move onto nearby undeveloped farmland rather than consolidate on a different site. It is hard to believe that in reality there is no more suitable site for this business available anywhere throughout the Mid-Kent and Medway areas. We note that (a) only sites listed in the development Plans are stated to have been considered, even though this proposal is for a site not so listed. (b) No search outside Maidstone Borough has even been undertaken. Hardly

an exhaustive, drains-up search for alternative sites! It is not clear that a significant number of jobs would be lost to the Borough if the plant were moved elsewhere in Kent, given that the current proposal mainly involves relocation of existing jobs, capacity will still exist to continue processing local produce locally, and otherwise it depends on growth forecasts that may or may not be achieved in the current economic and political climate.

We note that the current site was previously occupied by a road transport company, which moved its operations to a site closer to the motorway network. A primary reason given for the move was the inefficiency and cost of moving lorries through the narrow local road network and up the A229 Linton Hill in order to reach the motorways. The proposal involves a significantly larger number of lorry movements.

The landscape impact is extensively covered in sections 6.21-31. As stated the landscape classifications have changed over the years, and the area now falls within the Yalding Farmland designation. This is held to be ancient, to have a very distinctive character, and a strong sense of place. Guidelines state that this should be conserved and include the following:

- Consider the generic guidelines for the Low Weald
- Conserve orchards and the traditional small scale field pattern
- Conserve the largely undeveloped rural landscape and the remote quality of existing development
- Conserve the rural setting of traditional buildings and farmhouses
- Conserve distinctive ragstone walling
- Conserve the undeveloped character of the landscape
- Resist conversion to arable land
- Avoid linear infill development along roads

The majority of these guidelines would be breached by this proposal.

Highways/transport (6.32-50)

Time does not permit a close analysis, but we would point out that the figures quoted are in themselves an argument in favour of refusal – 1500 or more vehicle movements per day in addition to those generated by the existing site when relet, an increase we are told of 230%. Many of the objection letters received complain about the level of existing lorry movements, which cause regular difficulties and damage.

We are told that Linton Crossroads and Redwall lane will be improved to help to cope with the additional vehicle movements, which tends to emphasise that the impact will be significant. However we have been told that improvements will be made to Linton Crossroads regularly for twenty years and yet no material improvements have been made. This falls within the remit of Kent Highways, who confirm that currently they have no such plans and no timetable for implementing them. We also note that even if the suggested changes were made, the crossroads would *still* be over capacity and still form a regular bottleneck.

Design (6.51-53)

The design as proposed is unsympathetic and functional. Even the planning committee report refers to a "warehouse appearance" with industrial cladding. No attempt has been made, presumably on grounds of cost, to blend the building into its environment in accordance with modern architectural principles. It will be highly visible from all quarters. It may be "appropriate to its function and purpose," but it will be completely inappropriate to its rural surroundings.

Ecology (6.54-60)

Immediately to the South of the site lies the River Beult SSSI. At present it represents a peaceful rural site with a wide range of wildlife. Despite the mitigation measures proposed it is clear that both the habitat and the views from the site will be adversely and permanently affected. We consider that many

of the mitigation measures proposed will make matters worse rather than better by introducing artificial and contrived elements to what is currently a very rural and unspoilt scene.

We note that the proposed site contains an extensive great crested newt population and all of the other species listed are found if not on site, then in the local area.

Residential Amenity (6.61-65)

Noise and light pollution, especially out of normal working hours, are issues raised in a number of the letters of objection, even in relation to the existing facility. There is no reason to suppose that the larger industrial site proposed would not be worse, and moreover be additional to the existing issues.

7.0 Conclusions

Certainly there is the potential for growth and new jobs but the vast majority of the jobs in question already exist and are simply being consolidated. Against this must be set a variety of harms and damage which we consider the report significantly understates. The area is already suffering significant damage from vehicle movements which this proposal would exacerbate. The landscape damage would be severe and we do not consider the mitigation measures compensate in any material way. We consider the sheer size, the design and the construction proposals to be notably unsympathetic and impossible to hide from view. If this application succeeds, it will permanently change the character of our rural community; Linton would never be the same.

Successful contravention of so many settled planning policies and standards would undermine the entire local planning framework that applications are meant to adhere to. It would create very uncomfortable precedents which will cause significant problems in future, especially as regards rural development.

Thus we feel the disadvantages of this application greatly outweigh any anticipated benefits.

Nor do we feel the committee report is in fact balanced in its presentation of these facts. We request therefore that it should be read only alongside this response.

Linton Parish Council
3 July 2017

Appendix A – a letter of objection to the application from a Linton resident

Mr & Mrs BJ & SM Cresswell

School House, Linton Hill, Linton, Kent. ME17 4AP

Tel: 01622532516. Email: Bernardjcresswell@gmail.com

Email: Planningsupport@midkent.gov.uk

Mid kent Planning Support, Maidstone House,

King Street, Maidstone, Kent. ME15 6JQ

Case Worker: Ashley Wynn

Subject: Planning consultation 16/508659/FULL Land South Of Redwall Lane Linton Kent.

Application Type: Large Major General Industrial/Storage/Warehousing

My family and I reside in the conservation area on Linton Hill within the Wealden Greensand Ridge and our panoramic view extends over the Low Weald; south to Marden and onto the High Weald (AONB), all the way West to Hadlow Tower and beyond and the North West up to a small part of the Greensand Way. We overlook Wares farm Industrial units' skyline and their expanse of Polytunnels adjacent to it. Consequently we are directly affected by this application.

We object to the above application and seek it to be refused; our grounds are as follows:

Part 1: Outlines the case for the Automatic Refusal of the application. If for some unknown reason the Maidstone Borough Council (MBC) planning Committee believe it should require further material upon which to refuse then Part 2 sets out our grounds for refusal.

Part 1 Automatic Refusal

The MBC has been on a long journey over the last few years compiling the MBC Local Plan 2011 – 2031. Leaving to one side the current Inspector's examination and the representations / challenges, one has to assume that it is and has had due regard to all relevant legislation, National and Local Policies, and National and Local Guidelines in identifying all "Employment sites" able to sustain industry in the Borough of Maidstone.

Relevant documents known to Maidstone Council include:

Saved Local Plan Policy ENV28, ENV34, ENV49 and Emerging Policy SP5 plus

Para 109 NPPF states that the 'planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...'

Saved Local Plan Policy ENV28 states: *THE COUNTRYSIDE IS DEFINED AS ALL THOSE PARTS OF THE PLAN AREA NOT WITHIN THE DEVELOPMENT BOUNDARIES SHOWN ON THE PROPOSALS MAP. IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR*

DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO: (1) THAT WHICH IS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE AND FORESTRY; OR (2) THE WINNING OF MINERALS; OR (3) OPEN AIR RECREATION AND ANCILLARY BUILDINGS PROVIDING OPERATIONAL USES ONLY; OR (4) THE PROVISION OF PUBLIC OR INSTITUTIONAL USES FOR WHICH A RURAL LOCATION IS JUSTIFIED; OR (5) SUCH OTHER EXCEPTIONS AS INDICATED BY POLICIES ELSEWHERE IN THIS PLAN. PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES'

Saved Policy ENV34 gives particular attention to the 'protection and conservation of the scenic quality and distinctive character of the area' and gives priority to the 'landscape over other planning considerations.'

Emerging Policy SP5 reinforces the protection to be given to Special Landscape Areas.

Para 17 NPPF sets out 12 Core Planning Principles, one of which states that planning should 'take account of the differing roles and character of different areas... recognising the intrinsic character and beauty of the countryside...';

Para 109 NPPF states that 'The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing the valued landscapes...'

The application site is located in The Low Weald with a Landscape of Special Landscape Designated Area (Greensand Ridge) which washes over the area.

This planning application is for an area not deemed suitable by the above criteria as an Employment site. Therefore it qualifies as an automatic refusal and if it does not one could conclude that a huge waste of time, effort and expense has been invested in creating that part of the Local Plan. Similarly, the Policies and guidelines that map out what is and is not appropriate and must not be manipulated beyond recognition to make the application fit.

If the planning committee believe they need to examine the application further then we invite them to move on to Part 2 of our objection.

Part 2 Grounds for refusal

First, a description of the area where the applicant seeks to destroy and make irrecoverable agricultural land through change of land use: Within the site to have a significant infrastructure (roads and parking etc.) and within that "hard area" to build a large industrial unit. The site is to be in the Low Weald, which is overlooked by The High Weald and The Wealden Greensand:

http://www.kentdowns.org.uk/uploads/documents/Part_4_Character_Area_Statements_2014.pdf

The link above: NCAs divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity, history, and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries. Below are connected with and include the site area.

NCA 122 High Weald is an Area of Outstanding Natural Beauty

NCA 121 (LOW WEALD)

• High densities of isolated farmsteads, small hamlets and farmstead clusters set within an anciently-enclosed medieval landscape. The enlargement of farms and mixed agriculture has resulted in generally larger farmsteads and fields than in the High Weald. • In the west of the area farmsteads tend to form loose clusters to a greater extent than in the west. • There are some small villages, including linear groups along roadsides and others centred on greens or commons. • Fields are generally small and irregular, largely created through assarting of woodland up to the 14th century, and are divided by a dense network of hedges and shaws that are often remnants of ancient woodland. • Fields are slightly larger and more regular on the higher ground and areas of lighter soils including the better quality drift deposits of brick earths in Kent, where there is a lower density of farmsteads and of pre-1750 fabric/farmstead sites.

The Low Weald consists of high quality landscape, wild life habitats, fertile farmland and small villages, farmsteads and old buildings characteristic of the Kent countryside landscape.

As far back as 2004 (Wares Farm Application MA/04/2034) delegated report case worker identified Wares Farm is within a “Special designated landscape area”.

NCA 120 (WEALDEN GREENSAND) National Character Area

The narrow greensand belt represents a ‘buffer zone’ between the clay landscapes of the Weald and the more arable based landscapes of North Kent. • Many farmsteads retain pre-1750 buildings set within a landscape largely of medieval origin but subject to a much higher degree of boundary loss than the High and Low Weald. • Isolated farmsteads, often occupying ancient sites (some moated), form the predominant settlement pattern intermixed with small villages, often with ‘Street’ or ‘Green’ names suggesting secondary settlement. • These farmsteads are associated with a landscape of small and irregular fields, created by assarting from woodland in the medieval period, or medium-sized and more regular fields created between the 15th and 18th centuries by enclosure through agreement of former arable strips. The latter are more common in the valley of the Rother in the south-west and in the central and eastern parts of the area. Field enlargement and reorganisation is a strong feature of this area, particularly in relation to the establishment of orchards.

The structure of our case falls under the same headings as those the applicant distributes to the public in their “infographs”

1. **Economic Benefits,**
2. **Traffic Impacts, Sustainability and Mitigation.**
3. **Environmental and Landscape Benefits**
4. **Berry Gardens Training, Social and Environment commitment**

And finally our section **5. The site and the proposed Industrial building.**

1 Economic Benefits

- 1) **An overview of Berry Garden Growers Ltd (BGG) and Berry Gardens Ltd (BG).**
The source material for this is their own application documents, BG website and their links, plus a university researched case study (attached) paras 1 (2)-(5).
- 2) Glyndwr University Wales. A case study: Berry Gardens Growers Ltd is the UK’s leading berry and stone fruit production and marketing group. Initially called KG

Fruits (Kentish Gardens), the organisation was formed in 1972 when seven growers came together to set up a distribution service to deliver fruit to regions outside of Kent. Today, it comprises more than 60 growers spread across the UK and enjoys an annual turnover in excess of £200 million, equating to more than a 30% share of the UK market. Member location ranges from the northern reaches of Scotland right the way through to Kent, a wide catchment area of growing and climatic conditions that enables the seasonal availability of fruit in the UK to be extended.

- 3) Berry Gardens Growers Ltd (BGG) has also established a subsidiary marketing company called Berry Gardens Ltd (BG), whose main function is to liaise with retailers on behalf of the group members. This subsidiary is funded via several methods, including commission from selling members' produce and the operation of a central packing facility for UK and imported fruit.
- 4) The group does not declare a dividend to members, but at the end of each financial year, depending upon financial performance, the Board may declare a commission rebate based on the individual member's turnover. This rebate enables growers to make on-farm investments rather than any profits swallowed up by a complex corporate structure.
- 5) Amongst the 60 plus group members, there are more than 40 on-farm packhouses, in addition to the group's central packing hub in Kent, which tends to handle imported fruit. Due to the broad geographic spread of cooperative members, the group can effectively supply 'locally' throughout most of the UK.
- (6) The above research identifies this planning application is not related to expanding home produce or generating significant employment since BG housed at Wares Farm is a national / international hub so is for the purpose of expanding that arm of the business and nothing to do with "local" (more on this latter). And in the applicant's planning statement 5.1.18: "Whilst imports represent a larger proportion of Berry Gardens' business than UK and local produce (at approximately two thirds)", one wonders how wide their definition is of "approximately".
- (7) The economic case put forward as "new jobs for Maidstone" is not one that is restricted to Maidstone as "local produce" as inferred in the applicant's statement, see University case study document. Similarly, the expansion into markets abroad is somewhat silent in the application, inferring by its absence that this building is for home grown business, which it isn't (more about this latter).
- (8) Applicants planning statement doc: 3.3.6 "Whilst not forming part of this application and the scheme being designed to meet the company's projected needs over the coming years, due consideration has been given to the potential need for future expansion should this ever be needed. Accordingly, the proposed layout provides areas to the west of the proposed building that could accommodate extensions to the building and displaced parking without undermining the wider landscaping and ecology to ensure what is proposed cannot be undermined in the future." There is contrary evidence later in this letter that they will shoehorn further expansion on to the site.
- (9) The silent international logistical use of the current and future site: BG own website: Mission..." direct from our grower owners and other innovative producers around the world.".....
- (10) News section (attached) 25th January 2017

The registered offices of Berry Gardens Growers Limited has been amended to:

Berry Gardens Growers Limited Berry Gardens Packhouse, Redwall Lane, Linton, Maidstone, Kent, ME17 4BB. The registered offices of Berry Gardens Ltd remains:

Berry Gardens Ltd, Tatlingbury Oast, Five Oak Green, Tonbridge, Kent, TN12 6RG

- (11) For the company to move its registered address from another location after this planning application is curious, as the tone of the application is if we are refused permission we move. I have a cynical view and suspect there is another reason and not appropriate to speculate.
- (12) BG Website: "Berry Gardens is an international fruit marketing and distribution company, sourcing products globally. We are grower owned and work with suppliers world-wide." There is more to suggest the expansion is driven from abroad and not home grown....
- (13) BG website: 6th May 2014 Chairman Paul Kelsey commented... "Berry Gardens has invested significantly in its packhouse over the last few years with the project complete in November 2013. The size of the site has almost doubled from 60,000 sq ft to 110,000 sq ft. In addition we have also introduced significant upgrades to our internal processes and systems meaning the packhouse is now well positioned to handle the expanding counter season volumes from our partners, Driscoll's and other growers." Hyperlink in news section to...
- (14)2nd March 2016 Fruitnet.com.... Following significant growth in several European markets over the past year, sales of fresh berries are poised to increase further in 2016, according to one of the continent's largest marketers of soft fruit. Theo Houwen, managing director of Driscoll's EMEA (a BG partner), said that "astonishing growth" for berry sales in the Nordic countries and the Netherlands during 2015 was "only the beginning"..... "For this reason, we are focusing on a long-term co-operation with independent growers in Europe and Africa, who are dedicated to work according our high quality standards," Houwen continued.
- (15) Para (14) above supports our view this application is to expand the international logistics of the business which undermines the statement for 504 new jobs since the packhouse processing does not require such manpower intensive numbers (more of this on car parking).
- (16) The MBC Local Plan (MBC LP) is not yet adopted, a statement which the applicant uses to avoid compliance in particular The Local Plan:
- (17) The LP at 19.5 "In order to support the objective of promoting a strong, rural economy, the council will allow business or recreation uses for redundant rural buildings. Such uses are of a more functional nature than residential uses, and typically require less physical changes, having a lesser impact upon the countryside and rural character..... They therefore require particular attention, in order to prevent a loss of rural character and local identity." This huge new site can not possibly comply with this statement, except for some creativity from the spin department.
- (18) BG Website link 2nd March 2016 to Fruitnet.com where it states the international Berry Growth is just the beginning (attached).
- (19) Applicant's Summary doc. application erection of a new packhouse facility with mezzanine office space, 12 loading bays, lorry and car parking and associated development at Wares Farm. The new building being 13,991sqm (150,597sq ft) Plus internal road for large lorry movements, parking and loading bays that also require significant tarmac (hard) areas.
- (20) Given all the above paragraphs one can safely come to the conclusion that with 12 loading bays (plus expansion west of site) and existing use of Wares farm (change of registered address) does amount to a huge HGV logistical processing center for National and International logistics.

- (21) The history of expansion to the current facility has doubled from 60,00 to 110,000 sq ft. This significant growth by repeat building applications and extensions alternating between the two, is a lot in just 8 years (2004 – 2012). It is noteworthy that had they made the admission in 2013 that the project was actually to double in size (as admitted by their chairman see above) we suspect planning / expansion might have been refused had the applicant revealed the plan and the current eyesore would not exist.
- (22) We conclude that the economic picture painted is not one that would materialise in either job creation or other benefit to MBC or the community. Despite their own publicity the jobs have not shown to increase significantly or proportionate with the scale of the doubling of current industrial building site that is Wares farm (national and international hub). Similar, the large static mobile homes that are seasonal use by workers have also it appears not to have increased over the same period. Conclusion drawn is that no significant benefit would come to benefit the local community or MBC that outweighs any adverse effects; which would in fact be significantly detrimental to the area.
- (23) The applicant sought to have this project housed in the “employment site” near junction 8 and have examined others in the borough too. What this reveals is that there is no “need” for it to be located at Wares Farm, no need for it to be sited within the borough therefor the inferred economic benefits to the borough has not been made. Put simply this application will not result in jobs creation but simply moving jobs. This application is all about the movement of goods: International logistics and HGVs that could be sited anywhere in the country. The only reason this is being pursued with MBC is that they are pushing at an open door with the land owners; Alan Firmin Ltd.: Website;
- (24) “For over 75 years companies across Kent, the UK and Europe have put their “Trust in Firmin” to deliver their haulage and transport needs.
- (25) The applicant claims in their planning statement (5.1.20) “The economic benefits arising from the development are significant and, as the ES and this statement set out, other impacts are capable of appropriate mitigation. “ And “as such, it is clear that the significant benefits are not “significantly and demonstrably” outweighed by any adverse impacts and accordingly the scheme represents sustainable development which should benefit from the presumption in favour.” That language is used frequently in the application and we believe we have already gone some way to show it to be without substance.
- (26) “The public consultation undertaken to date supports this conclusion given the lack of any significant or notable numbers of objections received.” Given the full application was only validated in January and only then made available to view is a good example of comment without substance.
- (27) There is an adverse economic effect associated with this application, tourism to the Weald. People will be further frustrated to see more countryside disappearing, be deterred from visiting Maidstone area as that part of the “garden of England” being turned into an industrial estate. The local Bull public house and other establishments in the area have dedicated areas for patrons to enjoy the views and during the summer live entertainment. There is an airborne economy that is drawn to the area for the scenic experience to be had by hot air balloons, microlights, paragliders and gliders. Add this all together and local business could suffer and the rural economy can diminish.
- (28) Currently I suspect that any new residents and those to follow in the near future might want to live in Maidstone on the new proposed housing sites / developments because it is so close to the countryside and the gateway to the Weald. Put simply there is no valid case for this site to be situated within the Weald.

2 Traffic Impacts, Sustainability and mitigation

- (1) Transport- Local Traffic: Linton Hill (A229) is already overloaded especially with HGVs and although there is intent but no actual mitigation plan (MBC / KCC) to ease Linton Corner, the real objective adopted by MBC as stated within Linton Conservation Appraisal is to reduce the “serious” problem. Much of the building stock in the area was built when the only traffic to exist was horse and cart. Clearly the buildings’ foundations and fabric is harmed due to the close proximity to HGVs that travel by with regular rattling of doors / cupboards. All reflects that buildings aren’t happy with the existing level of heavy traffic and require regular cosmetic attention to maintain the integrity of the buildings. With the proposed 12 Lorry Bays (and future expansion) plus the existing HGVs usage at Wares Farm all amounts to a complete undermining of what needs to happen.
- (2) Linton has over the years increasingly found itself cut in half with the inability to cross the road (A229) safely thereby we have a large car park on one side with a church Alms house, bus stop and public footpaths (incl the Greensand Way) yet all the amenities and continuation of the footpaths are on the other side of the road. This project will add to an already intolerable state of affairs.
- (3) I invite you to examine the Maidstone Borough Council Linton Conservation Area Appraisal Adopted March 2008 and the the Management Plan adopted March 2010. “IV Conclusion..... **“The most powerful connection with the Weald countryside is obtained visually upon entering the village from the north. This connection with the countryside setting has not over the years been spoiled”** And “There has however **been a serious increase in heavy traffic which points to the need for a management plan in the area to address the functional and physical impact** this intensity of use has had on the general environment.
- (4) And that document existed during the continuing expansion of Wares Farm, which compounds the problems significantly. Simply over lay the time lines of activity and one cannot help but be horrified by what has already taken place and will be worse with this planning proposal. Councils are under a legal duty to have particular regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area. This application will have a significant detrimental impact on the local area.
- (5) The applicant’s statement appears candid in the assertion that this build includes growth beyond that envisaged, even to the point of the site being capable of expanding west with no detriment impact. Let us be clear, Wares farm made several planning applications between 2004 and 2012, nearly doubling in size and have used it on their own website as a success story (see para 1 (14) above). The language used is that they have invested heavily over the last few years with the “Project being completed November 2013”. The Obvious conclusion to be drawn is that the intention to double in size was foreseen in 2004. A pattern then emerged of adding a building then extending it. Was this project to double in size by 2013 revealed to the council in at any point prior to 2012 in planning applications(none that we could find)?
- (6) This covert activity is likely to reappear given the history. Likewise with HGVs, These have increased by stealth via the doubling in size of the Packhouses at Wares Farm. I suggest with good reason that the applicant has down played the daily HGV traffic net increase. Given all the above the applicant’s figures cannot be relied upon and have underestimated the daily traffic figures that already is an uncomfortable read, since one must increase this traffic size as the planning statement refers to the building future proofs the business expansion.

- (7) Should this application succeed there will be a significant increase in traffic with all the detrimental impact on the local Roads and A229, which is already a major problem and a pollutant.
- (8) The car parking allocation is interesting as this is mainly sited in the area west of the building that is convenient for erecting / extending any building. The car park is to have 232 spaces with most on this westerly site. It is curious the current size of Wares farm (110,000 sqft) does not the proportionate allocation of car parking. We conclude there is intent to increase west of the current location, given the history of expansion, the information advertised on their website and internet links. Once any planning permission is approved then the next objective will be expansion.
- (9) By significantly expanding the site now, automatically includes that change of land use and the irrecoverable loss of agricultural land. Any future case put forward by the applicant to expand would be in their eyes a simple process of "rounding off". It has also to be noted that given the huge land mass to be converted to industrial use also suggests that expanding west is not the only possibility. And there is also the very real risk of using greenery for parking and then seeking retrospective permission after a period of use as Berry Gardens has already done so at Wares farm (see history).
- (10) Transport Impact and land lost to industry will be significant and detrimental and "sustainability" cannot be sustained as proposed in the application.

3 Environmental and Landscape Benefits

- (6) Site visit 2nd Feb 2017. **Site overview**. (Applicants doc "Landscape strategy"): One can clearly see the sprawl of this development from the field in which the site will cover. Visible is the existing Wares farm, and from some raised landscaped mounds the adjoining static mobile home park and most of the polytunnels. The openness of the surroundings, the intended hard areas and building increases the impact of its visibility on the surrounding landscape. The Greensand Ridge to the north and Linton Village are all in view.
- (7) The site is overlooked by Linton and Greensand Ridge. The field for the proposed build is linear to the road then drops away with a gradual slope down towards the river (south). East is the adjoining static mobile home parking area and attached to that (east) are the fields of polytunnels and to the south and south east of these homes too. The front (North face) of the building roof line will be linear with existing packhouses roof lines across the road in Wares Farm. This is because although this major industrial building is taller, the front (north face) will sit down in an excavated part of the sloping bank down towards the river so that the rear sits higher which aids lorries to load / unload.
- (8) Applicants doc: "ES App 8.1 Computer Generated Landscape Modelling". Photos 18a – 18d incl. Although one can suggest that photographs don't capture a true perspective, the site's impact on the landscape can be assessed along with the current view of Wares Farm and Polytunnels and has a significant presence taking up a not an insignificant amount of the panoramic view along the same plane that is down in the Low Weald. This impact exceeds in observation than the photographs used by the applicant. I would recommend a visit to the Village, if not my home then the Bull PH.

- (9) The photos 19 onwards were “carefully” selected. All properties in the village from the Bull public House down have a “good” view of the landscape as in photos 18 and more.
- (10) From our home in Linton, which is below the Greensand Way, our view of the site is visible. The consequence of approval for this huge industrial building will be to join the current skyline of Wares Farm packhouse rooves to that of the new building and the extensive poly tunnels. Consequently with all this open space in and around the building (roads / car parking, static mobile home park etc.) it will expose and add to the expanse which will be one large mass of industry skyline. This is magnified during periods of bright days when light reflects of the estate’s building rooves and poly tunnels. No mitigation in terms of landscaping / trees etc can hide the building, as its failed to hide the existing Wares Farm packhouses.
- (11) The aerial photos / graphics produced by the applicant reveal the issue and one can easily imagine (we can actually see it) the skyline expanse will be one huge industrial skyline when viewed from the surrounding elevated areas (such as ours). This completely undermines the beauty of the area which is an asset to the borough. The current Wares Farm roof lines is already an eyesore, along with the poly tunnels, but then to have this building’s roof effectively join it all together will have a major adverse effect on the area. No amount of “mitigation” can solve this, there being only two options; either the building would need to be buried and covered over in its entirety or as we say this application should be.
- (12) The summary 4.2.4 ref to the local plan: In the countryside planning permission will not be given for development which harms the character and appearance of the area of the amenities of surrounding occupiers, and development will be confined to etc. In this case there would be the irrecoverable loss of Loss of agricultural land that typifies the Low Weald.
- (13) Light Pollution. Policy ENV49 states that, in determining proposals for external lighting the Borough Council will:and (3) Seek to ensure that the lighting scheme does not adversely impact on the amenities of adjoining of surrounding occupiers; and (4) seek to ensure that the lighting scheme is not visually detrimental to its immediate or wider landscape setting; and“- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies with the NPPF taken as a whole”
- (14) The applicant’s statement “5.3.5Overall, the LVIA concludes that the development will have a neutral effect upon landscape character and visual amenity and accordingly the relevant ENV28 policy test is satisfied.” Evidently not.
- (15) Applicant’s Statement 5.3.7: The proposed development does not have the potential to cause any significant effect either direct or indirectly to either the existing Special Landscape Area or proposed Landscape of Local Value. It is noted that the wider landscape is a working agricultural landscape already characterised by sporadic built form that includes large agricultural buildings and industrial developments such as the existing Wares Farm (as an example, see Appendix 3). To the extent therefore that the development will be visible, it will not as a matter of principle be uncharacteristic in this wider landscape.
- (16) The assertion in the above para (15) is undermined with applicant’s doc. Env statement P2/2 figure 7-2. It is totally out of character of the surrounding countryside clearly visible from our home. Wares Farm has only grown via creep expansion (see history of applications). If there were other similar industrial warehouses then they too would be visible at night, which they are not because they do not exist as the applicant proffers.

- (17) In the above document 8.6.360 includes the assessment of “minor adverse effects” which given all the evidence is far from reality and I invite the committee to see for themselves from my home.
- (18) The most recent Wares farm building constructed 2012/3 has a large number of lights shining throughout the night and with those of the other adjacent buildings make the midnight skyline rather a confused picture since initially we thought it was a small village given the countryside surrounding it has only farmsteads and cottages etc. So it stands out in the night sky until dawn and therefor it is out of character with its surroundings. This doesn't bode well for the future given the regulations that existed for lighting when approval was given for the Wares Farm building 2012 are those that exist today.
- (19) External lighting will increase exponentially the presence of the existing Wares Farm. The history of the builds at the farm show it is not feasible to reduce as is plainly evident by a simple observation. “Subject to the implementation of industry guidance no significant night time light pollution effects are likely to occur”. Any light emission in the countryside at night is significant, add the numerous lights to a huge build such as that proposed, plus all the lighting required for car and lorry parking, internal roads for the site plus the existing Wares Farm lighting makes for the worse light pollutant possible.
- (20) MBC 2016 Local Plan Key local issues that cause this application to fail:
2. Maintenance of the distinct character and identity of villages and the urban area;
 3. Protection of the built and natural heritage, including the Kent Downs AONB and its setting and areas of local landscape value;
- 19.3 However, the quantity and quality of buildings in the countryside in Maidstone borough brings increasing pressure for their re-use. In line with the objective to protect the quality of rural landscapes for their intrinsic value and openness, it is necessary that buildings considered for re-use are of permanent and substantial construction, not requiring major or complete reconstruction and that their resulting form and appearance is in keeping with the simple, functional character inherent in rural areas..... And
- (21) 19.11 The change of use of agricultural land to domestic garden land is also, in principle, contrary to the objective of safeguarding the open, rural character of the countryside, which is advocated by the National Planning Policy Framework. The domestication of the countryside, through the replacement of open pasture with lawns, domestic plants and garden furniture is generally harmful to the integrity and character of rural landscapes. This policy will safeguard against inappropriate and excessive extensions to domestic gardens. The principles apply equally if not more so to industry.
- (22) BREEAM pre-assessment There are a number of elements that determine the overall performance of a new construction project assessed using BREEAM
- (1) Environmental section. The chart within the report gives a score out of a figure that varies for each element. Although it appears a wish list generated within the confines of the proposed plan we do come to a view that it does not amount to much. Especially when one examines the document to find that it requires tongue in cheek responses to questions i.e.:
- Land use and Ecology: It acquired a 1/1 credit for “all ecological features will be protected as much as possible”. What does that supposed to mean?

1/2 credits for “a qualified ecologist will be appointed” and in another section 1/2 “a qualified ecologist will be appointed”. Long term impact on biodiversity: “a qualified ecologist will be appointed” and received 2/2!

Transport: credit score 1/1 for supplying 34 cycles spaces per 450 users or 42 for 650 and 1/1 for cyclists facilities showers etc.

- (2) Having attended Wares Farm recently no cycles or storage visible at the packhouses. So are we likely to see them at the proposed site? The chances of there being cyclists are rather slim being that with all the heavy traffic in the area they would soon find themselves under a HGV.
- (3) It scores on the BREEAM just for supplying a car park! Under heading Travel plan it had 1/1 for “A travel plan should be produced in line with BREEAM requirements”.
- (4) We can't help but be skeptical with the overall grading and how it was achieved, given the scoring is calculated from the examples as shown above. The assessment seems to us to serve no other purpose than to provide a hypothetical “spin” to the proposed build's green credentials.
- (5) “Land of ecological value” no credits

4. Berry Gardens Training, Social and Environment commitment

- (1) No comment is made about this as we cannot see how it falls within the planning process, other than to advertise their charitable community involvement. Berry Garden Growers Ltd from 2010 to 2013 (most recent information available) have received farm subsidy payments from the European Agricultural Guarantee Fund four year period totalling Euros: 19,665,534. (Attached).
Source: <http://farmsubsidy.openspending.org/GB/recipient/GB1161764/berry-gardens-growers-ltd/>

5. The site and it's proposed Industrial building

- (1) Much of the material relevant to this section is to be found under previous headings and is not repeated here.
- (2) Maidstone Borough Local Plan Employment and Retail Topic Paper 2016, The interim Inspector's findings and the MBC response paper with the applicant's unsuccessful application confirms its unsuitability to be situated within the borough. If it can't be situated near junction 8 / Woodcut Farm then surely it cannot succeed on the agricultural land in the Low Weald, Special Landscape area.
- (3) EMP1(4) Land at Wheelbarrow Estate, Marden has allocated site for such use (14,500), apparently the applicants have already dismissed this as not suitable or appropriate. The Local Plan under investigation and Inspector's Interim findings

has highlighted the contentious issue of site identification and selection. If all the “employment sites” identified have been ruled out then the Maidstone area is not a suitable place for this huge industrial site and its building. Surely the answer cannot be to be located in good agricultural open farmland in the Low Weald (see ANC 120)

- (4) The applicant’s statement 5.1.6 refers to “Draft Policy DM41 sets out 5 criteria as outlined below”. The applicant’s response to this “Whilst these proposals do not relate to the extension of an existing commercial building, it effectively relates to the expansion of an existing business and established operation and can be seen as an extension to the existing Wares Farm complex to allow an existing rural business to grow and secure their long-term future. In this regard, the core principles of the policy are consistent with the proposals and the criteria of the draft policy can be considered relevant here as a means of considering the proposals’ appropriateness: There is no significant increase in the site area of the enterprise. Minor increases and rounding off the existing site will be acceptable;...”
- (5) The above para is an example of taking something out of context, spinning it to such a degree that the Draft Policy somehow applies to this application. As already evidenced earlier, the Wares Farm has doubled expanding considerably to 110,000 sq ft. This application is a new build on a different site and is far larger than that currently exists (150,000 sq. ft.). How the applicant could possibly say this is simply “minor increases and rounding off” is a significant manipulation of the facts in an attempt to comply with Policy.
- (6) In section 1 para (14) above, by the company’s own admission that even increasing square footage from 60,000 to 110,000 is deemed as “doubling” so how should one describe moving from 110,000 plus 150,000 to a total of 260,000sq ft? We suggest that no one could possibly portray this as “minor increases and rounding off”. This understatement surely seriously undermines the credibility of their case and with all the other grounds must be fatal to it.
- (7) Additionally, this application if granted, due to its scale, will set a serious precedent that will erode and destroy the significant natural beauty and character of the Low Weald and surrounding landscapes that are connected and integral to it.

Adding stuff

Applicant statement 5.1.19”the emerging plan and NPPF both make clear the priority given to securing a strong rural economy and allowing existing businesses to grow, something that does directly apply here.” As can be seen from the material above, this is far from the case and is simply going to be an international hub for HGVs. This is corroborated with the applicant’s exploration of Junction 8 employment site; an example of inappropriate manipulation of policy. And again at....

Applicant statement 5.1.6. Misuse of Draft Policy DM41 The case presented by the applicant underlines and confirms that the existing Wares Farm currently 110,000 sqft is to increase to a total of 260,000sqft and states “...it effectively relates to the expansion of an existing business and established operation and can be seen as an extension to the existing Wares

Farm complex to allow an existing rural business to grow and secure their long-term future. In this regard, the core principles of the policy are consistent with the proposals and the criteria of the draft policy can be considered relevant here as a means of considering the proposals' appropriateness:

There is no significant increase in the site area of the enterprise. Minor increases and rounding off the existing site will be acceptable;" Nonsense, even though there is some acknowledgement that this is a large building....

5.1.7 "As this statement establishes however, there are material considerations that outweigh this, notwithstanding the fact it isn't in any event part of the development plan and does not carry full weight". I have not seen any material considerations that support the notion that this application could fly in the face of all policies applicable to this application: And when the applicant presents any "consideration" it found wanting and amounted to nothing more than spin. Getting back to basics this is a huge industrial building in the middle of a designated special landscape, bordering a conservation area with two lots of 6 HGV loading bays for international haulage with expansion anticipated does not in our view qualify as "rural economic development" (Paragraph 28 of the NPPF). The clue is in the title of the application type. And we suspect this "expansion of rural" business is not likely to be making an appearance at any Farmers market any time soon.

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (i.e. the NPPF) Paragraph 14 of the NPPF. This point is straightforward in that no reliable properly argued evidence is found to qualify as a "benefit" within the planning application given it fails in every respect to adhere to any policy that governs what is permitted in the countryside.