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BY EMAIL ONLY

12 April 2023

Dear Sir/Madam,

Re: Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document

Thank you for consulting Kent County Council (the County Council) on the Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD).

The County Council has reviewed the document and for ease of reference has provided comments structured under the chapter headings within the DPD.

Please find the County Council's comments below:

PART A: Context

Policy LPRHOU8

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, understands that Policy LPRHOU8 has been created to provide criteria on whether to grant planning permission to future Gypsy, Traveller and Travelling Showpeople accommodation.

As part of this criteria, Point 1 (vi) considers whether the site is at risk from flooding and specifically references flood zones 3a and 3b. KCC acknowledges that this is a key requirement but would note that the current [National Planning Policy Framework](#) (NPPF) (paragraph 161) and the Sequential Test requirements stipulate consideration for all types of flooding, irrespective of the source.

[Government guidance](#) on the Sequential Test also highlights that if the site falls within flood zone 2 and is a change of use to either a "caravan, camping chalet, mobile home or park home site", that a test would still need to be undertaken.

In view of this, the County Council, as Lead Local Flood Authority, would encourage that Point 1 (vi) is amended to provide a broader context relating to the flood risks present on site. The application of the current wording could grant permissions to sites that may be at risk from surface water flooding from an adjacent watercourse and would not be shown to be within flood zones 3a or 3b.

Biodiversity: The County Council notes the Borough Council's intention to consider all sites for ecological impact as part of the allocation process (Point 1 (vii)). The achievability of Biodiversity Net Gain (BNG) on the site will also have to be considered as part of this process from April 2024. KCC would therefore expect Gypsy and Traveller sites to demonstrate at least ten percent BNG and for this to be included within the policy.

PART B: Consultation

8. Content

Emergency Planning and Resilience: The County Council in respect of its role in Resilience and Emergency Planning, recommends consideration of affordable pitches and the provision of public sites to ensure community resilience and public health. It is advised that the DPD demonstrably recognises the relationship between housing need and deprivation (including long term limiting illnesses and reduce longevity rates).

The DPD should seek to limit overcrowding on sites, with policies encouraged to seek appropriate and safe pitch densities and configurations to limit risk of fire and gas cylinder explosion risk caused by overcrowding.

Further, the DPD should also consider the vulnerability of mobile homes and caravans to extreme weather events including high winds, flooding and extreme heat. The County Council would anticipate that site resilience factors require specific policy references. For example, prolonged water supply disruption impacted Gypsy and Traveller communities in Maidstone Borough and Kent during the extreme heat event of July 2022 and freeze-thaw event of December 2022. Extent of hardstanding on many Gypsy and Traveller sites can exacerbate surface water flooding risk and reduce groundwater infiltration rates, therefore appropriate use of sustainable drainage systems (SuDS) to mitigate these impacts requires specific policy focus or hooks.

The County Council would also recommend policies which consider the vulnerability of Gypsy and Traveller communities in respect of utility provision – which can be significantly disrupted as a result of severe weather and other factors. The DPD could seek to promote decentralised power sources such as renewables, and water saving / storage (including grey water recycling) as appropriate.

11. How will sites be assessed?

Highways and Transportation: The County Council, as Local Highway Authority, acknowledges the access and transport methodology used in the assessment of suitable sites in Stage 1b and has no overriding concerns to raise at this stage.

Public Rights of Way (PRoW): The County Council notes the following reference to PRoW within the proposed criteria for the Stage 1b detailed assessment of sites, as part of the Gypsy and Traveller Land Availability Assessment:

“Where a Public Right of Way has been identified on a site, it will need to be re-provided and enhanced through the development of the site. It could result in a loss of developable land; this will be identified at the detailed planning stage of design.”

The County Council would request and advise that any site **affected** by a PRoW or National Trail is excluded at Stage 1a, and that the PRoW network is also included in step 5 of Stage 1a alongside the consideration of sites within the Area of Outstanding Natural Beauty and Green Belt. There is also the potential of landscape and visual impact on the PRoW network which should be taken into consideration. The County Council also advises that any PRoW **adjacent** to a proposed site could be diverted and enhanced as above.

SuDS: For the future identification of sites and how they will be assessed, the County Council understands that this has been divided into three stages. Stage 1a is noted to be a preliminary high-level desk-based assessment that considers five key fields. The second field of this stage is to determine whether the land falls within flood zones 3a and 3b. The County Council agrees with the exclusion of land that falls within these zones and for a further detailed assessment to be undertaken as part of Stage 1b into wider flood risks.

As stated above, Stage 1b has been proposed to consider both flood risk from zones 2 and 3 and drainage matters. The County Council agrees with the assessment of these factors as part of this stage.

The County Council highlights that, as part of its review for planning applications, consideration is applied as much to the existing surface water flood risks as post development. For areas identified to be at current risk, the County Council also applies the approach of advising for siting living accommodation and drainage features outside of these risks. Further assessments should also be made to better understand the risk.

In addition to the analysis of surface water flood risks, the County Council would draw attention to the incorporation / mention of sustainable drainage systems and climate change factors. The requirement of developing drainage schemes to manage runoff from hardstanding and roofs is even more important when considering the possible impacts from climate change. The County Council would therefore request consideration of these points within the DPD.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, recognises that the consideration of land-won mineral safeguarding at identified sites and

their immediate surroundings or safeguarded waste management / mineral handling facilities, either at the site or within 250m, are not included in Stages 1a and 1b of the DPD. It is therefore recommended that the DPD is amended to ensure that these matters are identified and are part of the selection and assessment process for Gypsy, Traveller and Travelling Showpeople sites.

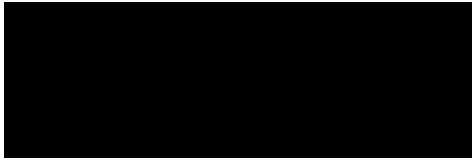
The County Council, as Minerals and Waste Planning Authority, would welcome further discussion with Maidstone Borough Council on this matter.

Appendix 3

PRoW: The County Council recommends that the Landscape and Visual Impact Assessment proposed in Appendix 3 includes the landscape and visual impact on the PRoW network and surrounding area for any proposed site.

KCC would welcome continued engagement as the DPD progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities