



Strategic Planning,
Maidstone Borough Council,
Maidstone House,
King Street,
Maidstone,
ME15 6JQ

Growth and Communities

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 423203
Ask for: Alessandra Sartori
Email: alessandra.sartori@kent.gov.uk

BY EMAIL ONLY

15 December 2022

Dear Sir/Madam,

Re: Maidstone Borough Design and Sustainability Development Plan Document Regulation 18 Consultation

Thank you for consulting Kent County Council (KCC) on the Maidstone Borough Design and Sustainability 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. KCC would request further engagement with Maidstone Borough Council and would welcome the arrangement of a workshop to discuss the matters that have been raised.

Introduction & How To Respond

The Purpose of this Development Plan Document

Heritage Conservation: The County Council recommends that the goal of the DPD, which is to build attractive and sustainable communities, will need to draw on Maidstone's heritage to be successful. The historic buildings, archaeological sites and monuments and historic landscape provide a range of opportunities that can serve to enhance life in the Borough. However, they also have vulnerabilities that must be recognised to prevent new growth from negatively impacting on them and reducing the attractiveness of Maidstone. KCC would therefore advise Maidstone Borough Council to develop a Heritage Strategy to approach this. The goals of a Heritage Strategy are:

- To identify and describe the key themes of relevance of the heritage of the district and the heritage assets that represent them
- To assess the role that these can play in in regeneration and tourism

- To identify both their vulnerabilities and the opportunities they provide
- To inform site allocations within the district
- To support policy development

The County Council would suggest that Maidstone Borough Council needs a similar strategy which would also be compliant with paragraph 190 of the National Planning Policy Framework (NPPF), which requires local authorities to have a '*positive strategy for the conservation and enjoyment of the historic environment.*' Policy ENV 1 'Development affecting heritage assets' in the Local Plan Regulation 18 Preferred Approaches consultation for the Local Plan Review in December 2020 contained the goal that a Heritage Assets Review and Heritage Strategy should be developed at some point in the future, in the 'Further work to do' section. This should be advanced as it would greatly support the placemaking and design work at the heart of this DPD.

What are the key cross-boundary issues?

Highways and Transportation: The County Council, as Local Highway Authority, would recommend the inclusion of a '*movement / connectivity*' heading within the key strategic issues section to ensure that reference is made to highway matters.

Public Rights of Way (PRoW): KCC welcomes the opportunity to comment on the DPD at its Regulation 18 public consultation stage. The County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve Public Rights of Way (PRoW) in the County. KCC is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the [KCC Rights of Way Improvement Plan](#) (ROWIP) and '[Framing Kent's Future](#)' 2022-2026. These include for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

The County Council seeks to ensure the positive promotion of the PRoW network within the Borough. The County Council notes that this consultation seeks to complement the emerging Local Plan and would draw attention to the positive contribution that PRoW can offer to the DPD's themes.

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority is pleased to note that water quality and quantity are mentioned within the key cross boundary section with the view to engage with KCC. The County Council is very supportive of this approach and would welcome any future conversations that Maidstone Borough Council would like to pursue further at this point.

Key questions for consideration:

Do you think we have identified all the issues that a Design and Sustainability DPD should consider?

Public Health: The County Council considers that the way places are designed has a significant influence over whether communities can live healthy lives, in addition to Maidstone Borough Council having a cross-cutting strategic objective of reducing health inequalities. It is therefore advised that a section on 'Design for Healthy Places' is included within the DPD.

Design for Healthy Places and reducing health inequalities/deprivation should also be a consideration within the other issues identified in particular place-making. Within the issue of Design Quality it would be good to see design for optimal Human Health (including ageing well) as a consideration.

Have we identified all the cross-boundary/strategic issues that the DPD should address?

Public Health: Maidstone Borough Council has cross-cutting strategic priorities of reducing health inequalities and deprivation which should be reflected. Health inequalities are unfair and avoidable differences in health across the population, and between different groups within society. They arise because of the conditions in which we are born, grow, live, work and age.

To reduce health inequalities in a community, efforts must be made to ensure that new developments bring benefits for the least healthy or least affluent, wherever possible. This includes addressing health challenges in adjacent communities which should be considered and built into wider investment and improvement plans.

Have we identified the key evidence base documents?

Public Health: The Borough Council has a strategic objective of reducing health inequalities in addition to aspirations within the Design and Sustainability plan itself to develop healthy places and improve health and wellbeing. Therefore, the County Council recommends that the Borough Council has consideration of [Building for a Healthy Life](#).

Additionally, it is important to identify local health and wellbeing needs to understand the impact of any new development on the health needs of existing and future populations to ensure the design enables and supports healthy lifestyles or mitigates against any negative health impacts.

Developing predictions of the demographic and emerging needs of future populations of those moving into new developments is important and can be built upon by learning from similar sites and their own health needs. In order to reduce health inequalities it is also important to understand the impact of new development on surrounding existing communities and therefore how the development can bring benefits for the least affluent.

Local data and intelligence can be viewed via:

- [Kent Joint Strategic Needs Assessment \(JSNA\)](#)
- [Public Health Outcomes Framework \(PHOF\)](#)
- [Local Health](#)
- [Strategic Health Asset Planning and Evaluation \(SHAPE\)](#)

Additionally, it is important to use evidence informed principles to design healthy places to improve health outcomes for residents, in addition to Building for a Healthy Life. KCC would draw attention to [Spatial Planning for Health: An evidence resource for planning and designing healthier places](#) as a useful resource. Further Public Health and Built Environment guidance which could be used is:

- [Healthy weight environments: using the planning system](#) – Public Health England (PHE) (2020)
- [Spatial Planning and health: Getting Research into Practice](#) – PHE and University of West England (2020)
- [Putting Health into Place: Introducing NHS England's Healthy New Towns programme](#) – NHS (2018)
- [Healthy High Streets: good place-making in an urban setting](#) – PHE and UCL Institute of Health Equity (2018)
- [Securing constructive collaboration and consensus for planning healthy developments: A report from the Developers and Wellbeing Project](#) – TCPA (2018)
- [Spatial planning for health: an evidence resource for planning and designing healthier places](#) – PHE (2017)
- [Creating health promoting environments](#) – TCPA (2017)
- [Building the Foundations – tackling obesity through planning and development](#) – Local Government Association and TCPA (2016)
- [Active Design – planning for health and wellbeing through sport and physical activity](#) – Sport England (2015)
- [Planning Healthy Weight Environments](#) – TCPA (2014)
- [Obesity and the environment: regulating the growth of fast food outlets](#) – PHE (2014)
- [Planning Healthier Places](#) – TCPA (2013)

Placemaking

PRoW: The County Council welcomes the aspiration for the Borough to be attractive with distinctive safe and secure places to attract people. As recognised within the DPD, place comprises of many different environments, from the Town Centre to rural settlements and the wider countryside. Ensuring safe and convenient access within and between all environments will therefore be key to the Borough realising this aspiration. The PRoW network and active travel can play an important part in providing that access and this should be recognised within the Placemaking Theme.

Key placemaking questions for consideration

What are the elements of The Borough's heritage and identity that make the borough special? / What do you think the DPD needs to do in order to deliver great places?

Heritage Conservation: Maidstone Borough has been shaped and influenced by a long history, the legacy of which is a strong and rich cultural heritage. In addition to an extensive and important archaeological heritage from prehistory, Roman, Anglo-Saxon and Medieval and later periods, the Borough contains highly visible built heritage. A range of industries have shaped the Borough, including paper-making, brewing, extraction and transportation. Buildings have been constructed from local materials in the form of ragstone, clay and timber. The wider landscape of the Borough is also historic in nature, containing numerous ancient routeways as well as historic woodland, farms and farmsteads. There is therefore a rich resource to draw on when placemaking. However, KCC notes that Maidstone has a lack of placemaking tools. As mentioned above, there is currently no Heritage Strategy for Maidstone. The [Historic Landscape Characterisation](#) for Kent was produced in 2001 and needs to be refined and detailed for Maidstone, as has happened in Tunbridge Wells and the Hoo Peninsula. Many of the Conservation Areas still lack appraisals, however, the Local List of Heritage Assets has been added to since the 1970s. These tools have the potential to contribute to placemaking by helping integrate new development into what currently exists and the County Council would recommend that they are further developed and enhanced.

Placemaking is also important in the countryside. It should be noted that development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, together with KCC and the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit, has published [guidance](#) on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with the existing character of the countryside. KCC would advise the consideration of this guidance within the DPD.

The Kent Farmsteads Guidance has been endorsed by the County Council and it is recommended that Maidstone Borough Council considers adopting the guidance as an SPD, as part of the Local Plan process. KCC would welcome further discussions on this matter.

Streets and Buildings

Highways and Transportation: KCC notes that '*Movement within Streets*' is listed as a topic for consideration within the Streets and Buildings Theme, however, this has not been expanded on. It is advised that a clear question is provided in the Key Streets and Buildings Questions section on how this topic will be taken forward. The text also makes reference to lack of definition of parking facilities, and the County Council would recommend that this is linked to overall design guidance and the Movement Theme within the DPD.

PRoW: The County Council welcomes the DPD's desire to support walking and cycling and the recognition that environments have been created leading to '*vehicle dominance, along with higher vehicle speeds.*' KCC encourages the recognition of active travel within initial

concept-stage design criteria to enable the Borough's aspiration for 'easy to navigate streets and public spaces' to be realised.

Key Streets and Buildings questions for consideration:

Have we identified the key issues relating to Streets and Buildings? / Do you think the borough should set out clear guidance on how to develop good urban design?

Heritage Conservation: KCC notes that the text rightly states the following:

'There are strong historic cues from which development can draw to create legible, human scale, land efficient, and coherent development proposals which makes effective use of land. A coherent arrangement of buildings promotes walking and cycling which and leads to an efficient layout. This provides continuity and enclosure and clearly defined public and private spaces which enables legibility with recognisable routes, landmarks, and waypoints.'

New layouts should complement existing historic settlement patterns and should be undertaken sensitively, and existing patterns should be retained as much as possible. KCC would hope that developers will ensure that developments respect existing settlements in terms of scale, layout and orientation so that the pre-existing historic settlement is not diminished by the new development.

As referred to above, detailed Historic Landscape Characterisation can greatly assist with this by revealing the underlying pattern of tracks and lanes, hedgerows and planting that has developed in an area over centuries and that can be drawn upon to help create sustainable communities with appropriate linkages and through routes, as well as by identifying historic features that can help give a sense of place to new development. The County Council would advise that the DPD commits the Borough Council to revising the 2001 Historic Landscape Characterisation and would welcome engagement to discuss this further.

KCC would welcome clear guidance on master planning and good urban design as it would provide an opportunity to embed historic environment conservation principles into new development at the scheme level. There is a lack of clear national guidance for developers seeking to include heritage issues in their proposals except where they affect Conservation Areas. It is often that developments away from Conservation Areas fail to engage properly with the potential offered by heritage. Clear new guidance would therefore provide an opportunity to address this.

Open Space and Nature

PRoW: The County Council recognises that a key element of the Open Space and Nature Theme is recognition that the PRoW network is a component of Green Infrastructure. This is not only because PRoW are found in green and open spaces, however they are increasingly the means for people to exercise active travel choices in making connections within their community and with neighbouring communities.

The County Council encourages the Borough to recognise and appreciate the value of liaison with neighbouring administrative areas and with other tiers of administration. For example, KCC and neighbourhood initiative groups. Delivering infrastructure to benefit more individuals and communities will ensure a higher return on investment, so bringing all parties together will deliver stronger and more valued outcomes. This will therefore deliver 'whole journey' outcomes through the consideration of neighbouring areas, rather than best practice up to a particular boundary.

The DPD states that the Borough is seeking to *'integrate green spaces and infrastructure at every scale of design ... making a genuine and significant contribution to ... the causes and effects of climate change, and the health and wellbeing of communities'*. To achieve this, the County Council encourages the Open Space and Nature Theme to recognise the PRoW network and active travel.

SuDS: KCC is pleased to note the key role that open space and the natural environment have in the management of water in the DPD. Whilst KCC agrees with the statement that *'sensitively designed SuDS can support important wet/dry habitats that contribute to a net gain of biodiversity'*, the County Council would dispute the statement prior to this regarding a reliance of high flow rates and over engineered balancing ponds. As Lead Local Flood Authority, the County Council would always seek for proposed developments to discharge at a flow rate equivalent to, or below, that of pre-development and subsequently to have sympathetically designed ponds, if proposed.

As a general comment, the County Council, as Lead Local Flood Authority would request for Maidstone Borough Council to consider the possible inclusion within the DPD of the utilisation of public open space for the purposes of surface water management and whether this can be accounted for as part of the public open space allocation. KCC would recommend that any water feature should be included within the open space allocation given that it provides additional amenity and biodiversity value, however the County Council understands some districts' reluctance to accept this. The requirement for this area to be removed from the open space allocation is normally as a result of the area not being able to be physically accessed over, and KCC would mention that, if correctly engineered, these features can be accessed for the majority of time. For example, the creation of low flow channels through an attenuation basin will mean that the majority of the basin will stay dry except for at times of extreme rainfall.

KCC would also comment that that neither the County Council's Drainage and Planning Policy Document (2019) (Appendix A) or the [Water People Places, A Guide for Master Planning Sustainable Drainage into Developments](#) appear to be referenced. Maidstone Borough Council is advised that all new developments should comply with these documents and that they should help to give weight to their own aspirations with regards to the relevant sections of the DPD.

Emergency Planning and Resilience: The County Council notes that high quality green spaces have a key role in delivering natural cooling and atmospheric moisture, particularly in urban and village centre areas. It is therefore advised that usable open space is created that benefits biodiversity and people and enhances connectivity.

KCC advises that design in new developments must take into account existing habitats onsite and the different site uses. It is recommended that native species planting should be encouraged in new developments, particularly in open spaces, and this must be managed appropriately.

Key Open Space and Nature questions for consideration

Have we identified the key issues related to Open Space and Nature? / Do you think the borough needs to set out clear guidance on how to deliver new development that fits within the landscape and natural environment?

Biodiversity: The County Council agrees that Maidstone Borough Council has identified the key issues related to the Open Space and Nature Theme, however there is a need to highlight that any development or open space designed must ensure that it has been designed to consider species connectivity and does not result in islands being created.

KCC also agrees that there is a need to ensure there is consistency within developments throughout the Borough. This should be in all developments where open space is required including those in the middle of towns. Where there is no requirement for open space, developments should still be required to consider species connectivity and create habitats on site. In addition, there is a need to ensure that developments include enhancement features within buildings and open space to further benefit species.

The County Council would also advise that there is a need for the consideration of lighting within open spaces in developments. Lighting should be minimal to ensure that there are dark areas to benefit biodiversity.

Heritage Conservation: The County Council would draw attention to comments made in the Placemaking Theme which are also applicable here. This is regarding the suitability of Historic Landscape Characterisation for informing decision-taking at the landscape level and the role it can play in connecting urban centres with the surrounding countryside.

The current text rightly highlights the importance of Maidstone's historic parks and gardens. If this resource is to play its full role, however, there is a clear need to ensure this approach is evidence based. At present, the main information resource for the local (as opposed to Registered) historic parks and gardens of Maidstone is the 1996 Compendium of Historic Parks and Gardens produced by KCC and the Kent Gardens Trust. The Compendium needs reviewing in order to ensure that it is brought up to date and that the significance of the Borough's gardens is properly assessed. Only then can it be used to manage and, where possible, enhance this extremely important resource. The County Council has recently been working on a number of such reviews with the Kent Gardens Trust and KCC would welcome engagement to discuss an update for the Compendium for Maidstone with Maidstone Borough Council.

Many of the green and blue corridors are themselves historic routes and contain nationally and locally important heritage assets. For example, during the Second World War the River Medway was the General Headquarters (GHQ) Stop-Line and still contains dozens of pillboxes and defence sites. These constitute a nationally important group of heritage assets.

They may not be protected in law as protecting complexes such as this is particularly difficult and scheduling is seen as a management decision, but they need to be respected and protected as though they were statutorily protected sites, as noted within Section 16 'Conserving and enhancing the historic environment' of the NPPF.

KCC notes that where the River Len flows into the Medway is a constructed mill pond. It is a landmark feature for Maidstone Town with the reflection of the Rootes building and the industrial historic character being highly memorable. This site is particularly sensitive archaeologically in view of its position within the historic complex of the Archbishops Palace. There may have been a mill here during the Medieval Period, forming part of the medieval palace complex, but certainly post medieval mills were sited here and the adaptation of the River Len channel for industrial use just before it enters the River Medway is of key historic importance.

The River Len is also well known for the numerous mills which utilised the healthy flow of the river during the Medieval and Post Medieval periods and perhaps earlier. This distinctive character of the River Len is of special importance within the Borough and possibly makes it different to the other minor rivers flowing through Maidstone. An assessment of the heritage of the rivers in Maidstone would be a useful and informative dataset that could help develop the potential of the rivers and enable their effective management.

SuDS may have both direct and indirect impacts on the historic environment, which must be taken into consideration. Direct impacts could include damage to known heritage assets, for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

When SuDS are planned, it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the [Kent Historic Environment Record](#) (HER) and by taking relevant expert advice. KCC has produced advice for SuDS and the historic environment, which provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

Movement

Highways and Transportation: The County Council notes that the comment in the second paragraph regarding the disadvantages associated with reliance on a single point of access needs to be balanced against the highway safety implications of a proliferation of accesses, given that junctions represent points of conflict. Defining the movement hierarchy will also

have implications for road capacity and safety, and KCC would advise that this is mentioned within the text.

PRoW: KCC recognises that many people would like to make local journeys on foot or bicycle but are often deterred by, amongst others:

- a lack of dedicated local facilities - dedicated off-road routes may simply not be close by or users are only offered routes that share highway space with vehicles, which increases the perception or fear of likely accident or injury.
- that routes that do exist are not convenient to use in all weather conditions throughout the year - walkers and cyclists will prefer, much like motorists on roads, to have enough space for different modes to pass each other safely and conveniently; and for a surface they can have confidence of walking or cycling on as weather changes.
- that use of existing routes may not be considered safe - previously provided as an 'after-thought' by developers and to now outdated standards, users may also feel that their personal security could be endangered, such as with unlit narrow alleys or in having to share space with vehicles.

The DPD aims to *'Ensure that the Borough of Maidstone is delivering a connected network of streets that prioritises journeys by active and sustainable transport modes, whilst allowing the use of streets for essential private vehicle movements'*. However, by focusing on *'streets'*, this statement overlooks the valuable contribution the PRoW network makes presently and will make in the future to Maidstone's residents and visitors, by providing the means to connect safely and conveniently within the Borough and to its surroundings. If the Borough is keen to seek cultural change towards active travel, it is encouraged to see *'movement'* as encompassing more than roads and streets.

KCC agrees with the statement that *'opportunities for new connections via foot or cycle can ... be overlooked'* when designing and approving proposals for new development. Delivering new routes, often multiple routes from a single development in order that users are offered direct connections for their desired destination, will over time contribute to creation of an integrated off-road network. If these are delivered on year-round useable surfaces and to standards where users will not feel their security is threatened, this will contribute to the cultural change the Borough is seeking.

The Borough is encouraged to place greater weight on the provision of off-road access in its guidance for developers and when determining planning proposals. There is considerable support for this within the NPPF, where paragraphs 92, 93, 98, 100, 104, 106 and 112 are particularly relevant.

The County Council would request further detail on the topic suggestions of *'dedicated active travel infrastructure'*, *'safe and secure cycle parking'*, and *'incorporation of green infrastructure in streets'* proposed for inclusion within its Movement Theme. This would enable the County Council to comment how or whether such proposals will positively contribute to the shared ambition for active travel.

Sustainable Buildings

SuDS: The County Council is also pleased to note that the Sustainable Buildings Theme encourages the capturing and reuse of water. KCC would strongly encourage for this to be included in the future DPD and that it be further strengthened to include the use of blue and green infrastructure on the roofs of appropriate proposed buildings. Whilst KCC acknowledges the use of the word adaptation in this section, this could be strengthened by providing clarification within the DPD, as it is unclear if this is in reference to brownfield sites. If it is, 5.2.2 SuDS Policy 2 'Deliver effective drainage design' in the KCC Drainage and Planning Policy Document (2019) (Appendix A) requires that any brownfield site seeks to reduce its surface water run off rate to the equivalent greenfield run off rate, i.e. the rate if the site was simply open space, and if this is not achievable, it should be reduced to a minimum of 50% of the existing sites discharge rate.

Emergency Planning and Resilience: Buildings and wider communities must be resilient to climate change induced severe weather impacts including flooding, storms and extreme heat. The County Council would recommend that new developments in Maidstone utilise renewable energy where possible and would encourage the use of water saving technology and grey water reuse.

Key Sustainable Buildings questions for consideration

What are the most pressing sustainability issues you think should be addressed by new development?

Heritage Conservation: The historic environment has a significant role to play in the conservation of resources required for development, and also in energy efficiency. Old buildings can often be more energy efficient than newer ones and of course have already been built. Thus, it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation, including the [Climate Change Adaptation Report](#) (2016) produced by Historic England. The guidance demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change, and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England [There's no Place Like Old Homes: Re-use and Recycle to Reduce Carbon](#) (2019) report produced by Historic England. This could usefully be highlighted in the text which at present suggests that energy efficient housing must only be exhibited by new buildings.

Design Quality

Provision of County Council Community Infrastructure and Services: The County Council supports the objective of promoting quality design in the built environment and actively encourages well designed places that consider and prioritise local context; distinctive identity; coherent built form; high-quality placemaking; intelligent movement and connectivity; sustainable homes and buildings; lifetime use; and preserves natural resources.

Heritage Conservation: The County Council would expect that schemes will only be permitted where the design complements any existing local historic character that the area may have. KCC would also hope that the materials used in the design are appropriate to the existing character, if possible, using locally sourced and traditional materials. Some of these materials are rare, however, and local sources need to be identified and protected, as noted within the [Kent Minerals and Waste Local Plan](#) (2013-2030).

Key Evidence Documents

PRoW: KCC would request that the ROWIP is referenced as key evidence in the Movement Theme but also in the Placemaking, Streets and Buildings, and Open Space and Nature Themes.

General Comments:

Highways and Transportation: The County Council, as Local Highway Authority would request that any queries relating to parking standards are sent to the County Council Highways and Transportation team¹.

Sport and Recreation: The County Council would welcome clarification of where community buildings and facilities sit within the DPD and to ensure that Sport England's [Active Design Guide](#) and principles are given consideration in this process.

Sport England is currently redeveloping this guidance and KCC would be happy to communicate this with Maidstone Borough Council when it is finalised.

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

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Appendix A: Kent County Council Drainage and Planning Policy Document (2019)

¹ Developmentplanningwest@kent.gov.uk