



# The countryside charity Kent

## Highsted Park statement by CPRE Kent

### Summary (as read out)

15 May 2025

We thank the Inspector for allowing us the opportunity to make this verbal statement which provides a little more detail to the written representations we have made to date.

Due to the length of the statement submitted on 12 May 2025, I don't propose reading it out in full. This is my summary.

### Who is CPRE?

We are well aware that CPRE is often accused by the development industry in the national press and planning blogs as being a bunch of NIMBYs. This is not true.

CPRE is NOT an anti-housing organisation.

As we approach our centenary year, the aims and objectives of what was then known as the Council for the Preservation of Rural England is as true today, as it was when the charity was founded in 1926:

*"It is not intended to object to the reasonable use and development of rural areas; it is the abuse and bad development of such areas that requires restriction... It is not intended that the CPRE should be a negative force. It is part of its policy to promote suitable and harmonious development"*

(‘The Aims and Objects of the Council’, 1926).

We are one of the longest established and most respected environmental groups in England

### What are our objections to the proposed development?

You will already have read our original comments on both schemes (which were also attached to our additional representations in response to the call-in).

The Kent branch of the Campaign to protect Rural England exists to protect the beauty, tranquillity and diversity of the Kent countryside

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The proposed development at Highsted Park must be one of the most significant planning applications being considered in Kent at the moment.

We want to make sure our key points are heard and that's why we are here today.

As a charity the need for good, plan-led development is at the heart of our campaigning.

The current applications have completely side-stepped the plan-making process.

This scheme doesn't take into account other options that may be available to the Council in addressing housing need.

Development options of this scale should be tackled strategically, by the Council and not driven by speculative planning applications.

In short, this scale of development should be tested through the local plan process.

### **Our case for today**

As a campaigning charity CPRE does not object in principle to housing, it campaigns for the right housing – and in particular housing that is affordable – in the right place.

Others at this Inquiry will be speaking in detail about many of the issues set out in our previous representations.

For today's session we would like to bring the following specific issues to your attention:

- loss of BMV (that is, best and most versatile agricultural land) and food security;
- failure to provide sufficient affordable housing - you will have seen our detailed concerns about the poor provision of affordable housing and CPRE's research paper. This was attached as appendix 3 to our January 2025 written representation (Unravelling a crisis, November 2023);

- we endorse the landscape position taken by the council and the Kent Downs National Landscape unit – landscape impact sits within CPRE’s wider aims of countryside protection. As the Inspector is aware, s.245 of the Levelling Up and Regeneration Act 2023 amends s.85 of the Countryside and Rights of Way Act, 2000) to seek to further the purpose of conserving and enhancing the natural beauty of the area will need to be addressed in considering the merits of the proposed Highsted Park development. We note that everyone (including the applicant) agrees that the proposal does not conserve or enhance the Kent Downs; and
- impact on tranquillity and dark skies (for nature and our own sleeping patterns/ circadian rhythms).

#### Taking BMV and food security first

We would like to draw to the Inspector’s attention to the fact that the loss of best and most versatile (BMV) agricultural land appears to have been scheduled little discussion time.

It falls under part (g) of the Secretary of State’s call-in letter (CD51.1) with respect to the consistency of the proposed development with the development plan.

Likewise, although there is no specific reference to loss of BMV in the PIM (Pre-Inquiry Meeting) letter (CD51.3) it does sit within the main considerations set about at points (b) and (k).

We’re told in applicant’s statement of case (CD33.1) at paragraph 9.21 that the loss of BMV is not unique to the proposals for Highsted Park, at paragraph 9.21 that only limited weight should be ascribed to the loss of BMV and at paragraph 9.23 that the benefits of the scheme will be shown to outweigh the loss of BMV.

I will set out my comments regarding affordable housing in due course, but it’s worth noting here that seemingly the applicant is of the opinion that not providing policy compliant affordable housing is a ‘benefit’.

It's very confusing looking at the papers to determine exactly how much BMV (in hectares) would be lost across both sites. Is the applicant able to confirm today the extent of BMV that would be lost if Highsted Park went ahead?

From the applicant's statement of case (CD33.1) we are told at paragraph 9.20 (relying on paragraph 7.22.1 of the committee report (CD6.1) that 78.9ha of the northern site is BMV, but no amount in hectares appears to be specified for the southern site (88%).

In light of the latest version of the NPPF and the recent Government consultation on its proposed Land Use Framework, we're of the view that detailed consideration needs to be given to the loss of BMV.

The context for the consideration of BMV (and food security) is set out in the relevant paragraphs of the NPPF and Local Plan policy DM31.

It is our view that the importance of BMV considerations (and hence food security) should be considered in a more nuanced fashion, with reference to:

- Land Use Framework consultation; and a
- recent appeal decision in the Thanet district of Kent.

In its foreword to Defra's consultation on land use (page 7), it is stated that in publishing a land use framework and creating a toolkit, decision making will be supported "and inform discussion on how we can guarantee our long-term food security ... support development ... and achieve targets on nature and climate ... and support economic growth."

And that, in terms of delivering new infrastructure and housing the government set out that (page 8, bullet 4) "we want to use strategic spatial planning to assess gains and losses against national and regional objectives, moving responsibility for managing land use trade-off away from individual projects."

This statement clearly sets the scene with regard to the emphasis being placed on the need for a land use strategy and for decisions affecting

agricultural land to be weighed at the strategic level, once again underlining the need for plan-led development.

The wealth of BMV here in Swale is in danger of being undervalued because there is so much of it, such that the whole – as part of the Garden of England - is seemingly being given less weight than perhaps other parts of the country which are not so well served with high quality land.

BMV is often referred to as being a constraint to development, as if the classification of agricultural land has been undertaken to thwart new housing building, rather than acknowledging that it is a valuable resource in its own right.

The same could be said for nature too. Ancient Woodlands are designated because of their innate value, protected species have protection because they are in and of themselves important. These designations aren't designed to flummox developers' options. New house building should be fitting around nature and BMV, where it currently exists. It should not be the other way around. The three pillars of sustainable development should be considered on an equal footing. Economic objectives should not be seen as being more important than social and environmental concerns.

On the subject of the natural world, we are concerned about the quality of the surveys undertaken and that mitigation measures (dormouse, badgers, skylark, curlew and great crested newts) are inadequate.

The applicant is clearly of the view that (nature and) BMV is a nuisance. In his statement of case (CD33.1) he contends that the loss of BMV is not an issue unique to these two applications. It may well not be, but there is still a requirement for the applicant to address (and evidence) all parts of policy DM31. This does not appear to have been done.

It is our assertion that loss of BMV being proposed is significant and great weight should be applied to the policies seeking to protect it.

My best estimate is that about 570ha of prime agricultural land would be lost (being 78.9ha (northern site) + 85% of 577ha (southern site), although there is a discrepancy between the 73% set out at paragraph 1.16 of the

committee report (CD12.1) and the table at paragraph 7.24.2 which says that 288ha of the site is BMV (85% of the site).

As you can see, the numbers are all a bit of a muddle.

For the Inspector's benefit I think it would be helpful to having an understanding of the scale of loss of BMV across the borough, and compare this to the significant loss that would result in the event that planning permission were to be granted for Highsted Park.

I have provided some commentary in my written statement submitted earlier this week (see pages 6-8). Rather than read this out I would draw to your attention the table I've drawn up (on page 8 of my full statement, and overleaf).

The sites I've chosen are intended to provide no more than a snapshot of a particular set of circumstances. I've chosen the six sites referred by the applicant in his opening statement (CD99.1.1).

I make reference to all the sites for completeness, rather than missing out the sites that have no bearing on the loss of agricultural land through the planning application process.

	Loss of BMV (local plan allocation)	Additional loss of BMV	Appeal reference	
Barton Hill Drive, Minster (18/503135)	29ha		APP/V2255/W/19/3238171	
Wises Lane, Sittingbourne (17/505711)	33.7ha	13.8ha	APP/V2255/W/19/3233606	CD30.4
Swanstree Avenue, Sittingbourne (21/505498)		4.3ha	APP/V2255/W/22/3311224	CD30.3
Church Road, Sittingbourne (22/502834)	17.25ha		APP/V2255/W/23/3318509	CD30.2
Ufton Court Farm, Sittingbourne (22/505646)		9ha	APP/V2255/W/23/3333811	CD30.1
London Road, Newington (22/500275)		7.8ha	APP/V2255/W/23/3318448	
Scocles Road, Minster (22/502086)			APP/V2255/W/24/3356342	
		34.9ha		

The commentary above does not go into the detail of the cumulative impacts of the loss of BMV. Others have already addressed the issue of loss of BMV in the locality including land at, for instance, the proposed solar farm at Pitstock Farm, Rodermersham.

The loss of BMV across this very limited number of sites amounts to 34.9ha. In each case the relevant Inspector gave neutral/limited/moderate weight to the loss of BMV, which in the planning balance resulted in the granting of planning permission.

It is clear that the individual loss of BMV is considerably less than that being proposed with the Highsted Park development. This figure could be up to 570ha (and will need to be confirmed), but in any event will result in the loss of hundreds of hectares of BMV.

It remains our opinion that decisions around a development of the scale proposed – resulting in a significant loss of agricultural land – should be considered strategically, by the Council as part of the local plan process.

Having understood the extent of this snapshot of BMV loss, I turn to the specific wording of Local Plan policy DM31.

Policy DM31 stipulates that development will only be permitted in specific circumstances.

Those circumstances include:

- where the site is allocated for development
- where there is an overriding need that cannot be met within the built-up area boundaries
- where there is no alternative site on land of lower agricultural grade or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development.

My understanding is that the applicant is relying on the Inspector's conclusions with regard to BMV at Ufton Court Farm, which in turn refers to the Swanstree Avenue decision.



The Ufton Court Farm scheme relates to 9ha of BMV and the Swanstree Avenue scheme to 4.3ha. These are comparatively small parcels of land compared to the loss of what appears to be 570ha.

In accordance with local plan policy DM31, it would be helpful if the applicant could demonstrate that housing need cannot be met on land within built-up area boundaries.

In the usual course of events prior to allocating land for development, the Council would have undertaken a call for sites as part of its local plan preparation.

It is well known that site promoters rarely submit urban sites in these circumstances as they know that the principle of development is acceptable. It is the green field sites where the time and money is spent.

This underlines CPRE's point regarding the need for plan-led development which would bring with it a properly evidenced spatial strategy informed by a targeted call for sites to include brownfield land.

This sort of targeted call for sites is now being done locally by a growing number of local authorities around the county (Canterbury Council, Folkestone & Hythe, Sevenoaks and Tonbridge & Malling).

The loss of BMV on the scale proposed must be considered in the first instance through the proper plan-making channels and not through the piecemeal consideration of planning applications comprising.

Submitting a speculative planning application is just wrong for what is a significant, large-scale strategic level development.

- Where are the checks and balances with regard to fitting a development of this scale into the Council's vision for the borough's spatial strategy?
- Where is the evidence that there's insufficient land within the built-up area?

As an unallocated site, criteria 2 and 3 of policy DM31 must be addressed.

Are there alternative sites on land lower in grade than 3a?

If as we know, there is 23,000ha of farmed land in the borough of which approximately 15,000ha is BMV, it must surely be deduced that approximately 8,000ha of lower quality land must exist within the borough (Statement 3 in the Local Plan, page 77).

Where is the applicant's evidence that within the 8,000ha of lower quality agricultural land across the borough there isn't a suitable site(s) for 8,400 dwellings?

It appears to be the applicant's case that Highsted Park constitutes a very small proportion of the overall BMV within the borough, and that limited weight should be attributed to the environmental and economic harm arising from loss of highest quality agricultural land.

However, we mustn't forget that 570ha of BMV will be lost, without (in the words of the Land Use Framework consultation) there being an assessment of the gains and losses at a strategic level.

We appreciate that there are a wide-ranging number of issues that will need to be reconciled in considering the merits of these planning applications, including the lack of a five-year housing land supply.

We will leave the issue of housing numbers for the Council to address in its evidence. However, we would like to draw to the Inspector's attention to an appeal which was dismissed in Thanet (Kent) in February this year – which represents a more up to date position on BMV issues than the appeal decisions referred to in applicant's submissions to date.

An appeal was dismissed for 115 dwellings on land off Foxborough Lane, Minster on 10 February this year, despite there being a lack of a 5-year housing land supply. The decision is attached to my written statement.

The main issues included the impact of the development on BMV. Paragraphs 20-26 relate to BMV.

- 80% of the site comprised BMV (paragraph 20).
- The appellant failed to undertake a sequential assessment approach advocated by the relevant local plan policy. In particular, it is noted that "the Inquiry was told this was because the LP states that approximately 91% of all land within Thanet is classified as BMV land

and, as a result, the Council would have to seek housing development on BMV in order to achieve the housing targets by default” (paragraph 23).

- The Inspector stated in response that this was “a generalisation and does not substitute for investigating site-specific circumstances to guide development ... there is a clear and accepted failure to justify the loss of BMV by not undertaking the sequential search required of policy” (paragraph 24).
- The Inspector concluded “that the proposed development would result in an adverse and unsubstantiated impact on the resource of BMV” (paragraph 26).

At paragraph 74 the inspector concluded that “the harms of the proposed development would significantly and demonstrably outweigh the benefits;” and that the proposal conflicted with paragraph 187 of the NPPF by failing to assess the economic (and other) benefits of the BMV (paragraph 73).

#### Affordable housing

CPRE campaigns for the right homes in the right place. This includes the provision of affordable homes.

We are of the opinion that planning permission should be refused because of the inadequacy in the proposed provision of affordable housing.

To this end we support the position taken by the council in terms of the 10%/40% split between Sittingbourne and its urban extensions and the rural area.

However, if a large-scale development is to be considered outside the local plan process as a speculative planning application, the applicant should make sure that the scheme is exemplary in terms of its benefits.

In terms of the weight to be given to the benefit of affordable housing to justify the loss of what might be up to 570ha of BMV, so should that affordable housing be policy compliant.

We understand there is a housing crisis and particularly a crisis in affordability. But to allow a development that would unlock ‘some’

affordable housing would be unforgiveable, in terms of the land which will never be farmed again.

In seeking to boost the supply of housing and to see 1.5m homes built by the end of the current parliament the government has launched a number of initiatives – in relation to schemes of comparable size to the Highsted Park development proposals – which are subject to a number of expectations.

There is the New Towns Taskforce. This is an independent advisory panel tasked with identifying and recommending locations for new towns to support the government to deliver the next generation of new settlements of 10,000 homes and more.

The government has stated that it has an expectation that these new settlements will provide a ‘gold standard’ of 40% affordable homes, with the government further stating that it wants exemplary development to be the norm and not the exception, so that communities feel the benefits of new development and welcome it (Ministerial Statement 13 February 2025 – Matthew Pennycook)

On this issue the government’s direction of travel is clear. We concur with the view that the delivery of large-scale housing developments should be exemplary and that includes affordable housing at 40% across the board.

CPRE understands the need to boost the delivery of new homes, but this should not be at the expense of the under-provision of affordable housing or the lack of a properly evidenced justification regarding the loss of BMV.

If up to 570ha of BMV is to be set aside for development (in preference to sites within the built up area, or land of lower agricultural quality) then this should only be where the provision of affordable housing is prioritised.

It is strange that the applicant is unable to provide the full affordable housing requirement on this greenfield site. Or is the purpose of the scheme under consideration for housing to provide road linkages (at all costs)?

If the applicant is not able to provide basic development needs within the site area, then perhaps he’s in the wrong business. On the other hand,

perhaps we should welcome the transparency afforded us by this admission, in the sense that usually site promoters will promise the earth to get planning permission. And then once the actual developer gets involved, the previous overambitious pledges are quickly swept away as Section 106 Agreements are renegotiated.

We've previously drawn attention to headlines in the local press demonstrating this exact point.

If swathes of the countryside are to be developed (in preference to brownfield first), this should only be under circumstances where the provision of affordable housing is prioritised.

This is clearly a vision also shared by government. Each of these new powers (Levelling Up Act has seen the hope value element of compulsory purchase orders removed, the New Towns Taskforce and the New Homes Accelerator programmes) demonstrates that this is the way that the boost in housing delivery will be powered. The old way of making speculative planning applications has become outdated, particularly in relation to viability ruling out the provision of affordable housing. Exemplary provision of affordable housing should now prevail.

The paucity of affordable housing being proposed at Highsted Park should be weighed heavily against the funding a road scheme, that at one point KCC said wasn't needed.

In closing our comments on affordable housing, I would respectfully draw to the Inspector's attention reference to a blog post on our website (as mentioned in our January representation) under the heading of 'Just who are we sacrificing Kent's countryside for?'

As set out in an article of the same name in the summer 2023 edition of CPRE Kent's magazine, Kent Countryside Voice, it is clear that developers are slowing down their build out rates because they don't want to be in a position of building at a level that over-supplies the local housing market, which would force them to reduce prices and profits. Instead, the trend is to build large family homes. What they are not building are the affordable homes needed for our existing communities. See article from pages 8-10.

In conclusion on this issue, we would implore the applicant to do the right thing in terms of a gold standard provision of affordable housing and if he can't get his books to balance, then perhaps he should leave it to the council to decide where new development should take place to meet its housing need through the tried and tested method of local plan preparation.

### Tranquillity and dark skies

We have already set out in detail our concerns about the impact of the proposed development on dark skies and tranquillity, making reference to paragraph 198 of the NPPF and local plan policy DM24.

I am aware that my allotted time is running out, so I'll summarise this section as follows:

- tranquil places should be thought of as part of our natural health service;
- lighter night skies are known impact on our health and wellbeing (particularly in relation to our sleeping patterns);
- they also have a disruptive effect on the natural world in terms of pollinating insects, bats and other nocturnal creatures, with predators making use of heightened light levels to hunt their prey; and
- the applicant refers in his Tranquillity Overview (CD18.8 at paragraph 2.5) to CPRE's definition of tranquillity and cites CPRE at paragraph 3.2 (CD18.8) with reference to the Jackson report of 2008 which was commissioned by the charity. Each time you read CD18.8 and mention is made of Jackson, it is the voice of CPRE that should be heard in terms of the concept of tranquillity (being the interrelationship between people, landscape and noise).

### **To conclude**

We ask that the Inspector sets aside any preconceived notions that CPRE represents a bunch of NIMBYs and that it's an annoying little charity that always turns up to object to planning applications.

We are a well-respected environmental organisation which has published extensive research on BMV and affordable housing and is an organisation that clearly has such esteem that the applicant has referred to it on matters of tranquillity.

As you prepare to report on the merits of the proposed Highsted Park development we would ask the following:

- that you seek confirmation of the exact extent of loss of BMV;
- that you conclude that this loss represents more than the light/moderate weight attached to the issue of BMV loss than in relation to the appeals at Ufton Court Farm and Swanstree Avenue;
- that the applicant's lack of evidence of a sequential search for built up area sites and sites of lower agricultural quality be given great weight; and
- that provision of affordable housing, at less than the stipulated policy requirement, does not constitute a benefit outweighing the harm of BMV loss and in any event should meet government expectations of being exemplary.

CPRE's vision is of a beautiful and thriving countryside that enriches all our lives and is valued by everyone.

It is our position that planning decisions should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum (by adopting a brownfield land first approach) and that plan-led development is sustainable in accordance with national planning policy.

We believe that the planning system is a toolbox for achieving better – for people, nature and the economy – while supporting the delivery of badly-needed homes to end the housing crisis.

We say yes to development on brownfield land.

We say yes to the principle of affordable housing that is provided within an exemplary scheme at 40% across the board.

We say yes to the principle of development that has properly considered the natural world – with accurate survey work and responsible mitigation.

However, we say no to speculative development that is not plan-led, which evidences no benefit in terms of affordable housing provision, loss of BMV and the impact on the natural world and tranquillity and dark skies.

For these reasons we ask the Inspector to recommend that planning permission for Highsted Park be refused.