

## **MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION**

<http://www.maidstone.gov.uk/residents/planning/local-plan/examination>

### **SESSION 7 – RURAL SERVICE CENTRES**

**Hearing Statements:** Please refer to the Inspector's Procedural Guidance Notes for information on the provision of hearing statements.

**Deadline:** One electronic copy in pdf format and three hard copies to be sent to the PO by 6.00pm on 20th October.

### **Inspector's Agenda with Matters, Issues, and Questions**

Issue (i) - Whether the designation of Rural Service Centres is justified as the most appropriate strategy when considered against any reasonable alternatives?

#### **1. SPATIAL STRATEGY**

- 1.1. Policy SP5 identifies a number of Rural Service Centres (RSC) and a series of objectives for those centres.
- 1.2. MBC has issued a Topic Paper [Document SUB 007] which explains the Spatial Strategy including the role of RSCs as part of a hierarchy of settlements.
- 1.3. The Sustainability Appraisal tested several alternatives for the distribution of both housing and employment development.
- 1.4. A number of Representors consider that the amount of development proposed in the Rural Service Centres is excessive for reasons which include: the amount and distance of travel by residents to the main employment centres, environmental constraints, infrastructure constraints and the effect on the existing character of settlements.

- 1.5. Most Representors do not suggest specific alternative strategies.

**Qn7.1 If the level of housing identified in the Local Plan is confirmed at 18,560 (or a similar figure), what reasonable alternative strategy would be preferred by those who oppose the scale of housing development proposed at the rural service centres and why?**

## **2. LENHAM**

- 2.1. For consistency with other Local Plan policies, MBC has proposed a minor change to Policy SP5 (PC/9) which acknowledges that one RSC (Lenham) is proposed elsewhere in the Plan as a Broad Location for additional housing.
- 2.2. Policy SP8 expands on the designation of Lenham as a RSC. It sets out a number of objectives including: the allocation of 2 housing sites for 165 new dwellings; the retention and protection of employment areas and local facilities; and provision for improvements to transport and education infrastructure. MBC has proposed a policy change (PC/18) which also refers to the improvement of health facilities.

### **SP8/H2(3) Lenham Broad Location and the Neighbourhood Plan**

*Issue (ii) – Whether the designation of Lenham as a Broad Location for 1,500 dwellings is justified, effective and consistent with national policy?*

*Issue (iii) – What should be the respective roles of the Local Plan and the Neighbourhood Plan in the allocation of housing development?*

- 2.3. Lenham is identified by Policies SP8 and H2(3) as a Broad Location for the delivery of approximately 1,500 dwellings (post 2026). The Local Plan does not allocate sites for that development. Paragraph 157 of the National Planning Policy Framework provides that Broad Locations are to be identified on a key diagram. In this case an OS-based 'inset plan' on page 169 includes 2 star symbols to the east and west of the village which are identified in the key as the Broad Location for development. They are not shown on the plan of the village on page 50. Neither is the Broad Location indicated on the 'Key Diagram' on page 23.

- 2.4. Policy H2(3) sets out criteria for the Broad Location development. MBC has proposed a change (PC/39) which refers additionally to the provision of land for a new primary school.
- 2.5. Policy H2(3) provides amongst other things that: '*If the Council's housing land supply position requires this broad location, as illustrated on the inset plan, to come forward before the local plan is reviewed the following criteria must be met in addition to other policies in this local plan*'.
1. A Neighbourhood Plan is in preparation for Lenham. Paragraph 184 of the National Planning Policy Framework provides that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan.
  2. The Neighbourhood Plan proposes a reduction in the overall number of new dwellings to 1,100 and their location partly on brownfield land which the Local Plan is proposing to protect for employment [Document ORD 28]. The Neighbourhood Plan Group points out that site-specific development allocations can only be made through the development plan which here would include the Local Plan and the Neighbourhood Plan but not an informal masterplan or Supplementary Planning Document.

**Qn7.2 Are Policies SP8 and H2(3) strategic policies with which the Neighbourhood Plan must generally conform should it be made after the adoption of the Local Plan?**

**Qn7.3 Should the Local Plan identify that specific sites in the Broad Location are to be allocated by means a review of the Local Plan?**

**Qn7.4 When is the Review of the Local Plan anticipated?**

**Qn7.5 What would trigger the release of broad location land before 2026 and should that be more explicit in the Policy?**

**Qn7.6 In the alternative, should housing sites be allocated in the Lenham Neighbourhood Plan instead of a Review of the Local Plan**

**and would the Neighbourhood Plan be required to generally conform to the Local Plan's strategic target for housing in Lenham?**

**Qn7.7 What if any other constraints do the Local Plan policies for Lenham place on the identification of development sites in the Neighbourhood Plan?**

3. Criterion H2(3)(2) does not refer specifically to the proximity of the Kent Downs AONB to the north of the village or of ancient woodland but would require ecological, arboricultural and landscape and visual assessments with detailed mitigation schemes.
4. Following an Inquiry a recent appeal decision has granted full planning permission for a development of 82 dwellings on land West of Ham Lane. That site overlaps one of the above star symbols and is close to the boundary of the Kent Downs AONB to the North East [Documents ORD 032 and ORD 032A]. The appeal Inspector had identified the effect on the countryside and the setting of the AONB as a main issue and concluded that the development would not be harmful.
5. The Evidence Base for the Local Plan includes the Lenham Transport Mitigation Study (May 2016) [TRA 033]. It recommended that the majority of development for the Broad Location be located to the west of Lenham due to the limitations of junction 4 (Faversham Road/Old Ashford Road/High Street/Maidstone Road).
6. Since publication of the submission Local Plan, MBC has commissioned further studies. A published study [Exploration of the Broad Location – Document STR 002] indicates possible different locations for the development including to the south of the railway which is not as indicated on the Local Plan Inset Map/Diagram. A need for additional information is identified including an update of the Jacobs Landscape Character Study to cover the additional sites.

**Qn7.8 Does all the employment land in Lenham need to be protected for employment use?**

**Qn7.9 Should the planning permission for 82 dwellings on the land West of Ham Lane be considered as part of the Broad Location figure of 82 dwellings or as an addition to it?**

**Qn7.10 Is it realistic to expect the remainder of the H2(3) Lenham Broad allocation for 1,500 dwellings to be delivered within a 5 year period (2026-2031) at an average rate of 300 dwellings each year?**

**Qn7.11 If not, should at least part of that allocation be allocated at an earlier date either by the Local Plan or the Neighbourhood Plan?**

**Qn7.12 What is the status of the 'inset plan' on page 169?**

- a) Is it part of a key diagram and, if so, should it be included or cross referred in the key diagram on page 23?**
- b) If it is part of the key diagram is it appropriate to use an Ordnance survey base?**
- c) In any event should the plan be modified to reflect the Exploration work and the Transport Study?**

**Qn7.13 Has the identification of the Broad Location had sufficient regard to the setting of the AONB and has this been addressed in the subsequent exploration work?**

7. A Representation (R198) considers that the Plan's identification of the Broad Location pays insufficient regard to ground water considerations which have informed the emerging Neighbourhood Plan.

**Qn7.14 Has the identification of the Broad Location had sufficient regard to ground water drainage considerations?**

**Qn7.15 What is the view of Representors such as the Neighbourhood Plan Group, the Kent Downs AONB Unit and the Lenham Parish Council about the recent exploratory work for the Broad Location?**

**Qn7.16 If the number of dwellings to be provided were to be reduced to that proposed in the Neighbourhood Plan, what implications would that have for development elsewhere?**

### **Lenham Housing Site Allocations**

*Issue (iv) – Whether the 2 proposed Lenham housing allocations are justified and effective and consistent with national policy?*

#### H1(42) Tanyard Farm, Old Ashford Road (155 dwellings)

8. A planning application for 155 dwellings is pending determination on this site (Ref 16/504855). A Representation considers that the Plan's identification of this site pays insufficient regard to ground water considerations at the headwaters of the Great Stour River which have informed the emerging Neighbourhood Plan and claims that significantly fewer dwellings could be accommodated than are proposed. A Transport Study suggested this as a possible location for a park and walk facility to the village centre.

**Qn7. 17 Would ground water drainage considerations or park and walk provision materially affect the anticipated yield from this site in terms of the number of dwellings and is any modification of the policy needed for effectiveness?**

9. The H1(42) site lies between 2 existing areas of built development and faces the Kent Downs AONB on the opposite side of the A20 but is not within the AONB. Some Representors consider that development would harm the setting of the AONB.

**Qn7. 18 Do the conclusions of the Inquiry for land west of Ham Lane have any implications for the H1(42) allocation in relation to the setting of the AONB?**

#### H1(43) Glebe Gardens, Lenham (10 dwellings)

10. There is a pending planning application.

**Qn7.19 Would the Council please provide an update on the progress of the current planning application?**

**2. HEADCORN**

*Issue (vi) –Whether there would be adverse implications for the strategy of the Local Plan if Policy SP7 were deleted or modified in favour of the emerging Neighbourhood Plan?*

- 2.1. Policies SP5 and SP7 identify Headcorn as a Rural Service Centre.
- 2.2. MBC has proposed a minor change to Policy SP7(4) to include reference to the provision of health facilities (PC/11). The accompanying inset map is also proposed to be changed to amend the reference from local retail centre to district retail centre (PC/17). Proposed Change PC/3 would amend the wording of paragraph 4.14 in relation to sewerage and wastewater treatment capacity for Headcorn.
- 2.3. A Neighbourhood Plan is in preparation for Headcorn but has been subject to delays in the examination process. Amongst other things the draft Neighbourhood Plan seeks: a maximum size of 30 dwellings for new developments; no new permissions for ‘small’ or ‘larger’ developments (as defined) before the end of 2021; and only 90 new dwellings of those categories to be provided between 2022 and 2031. Reviews are proposed in 2021 and 2026. The anticipated overall supply of 250-280 new homes between 2011 and 2031 would be far less than proposed in the Local Plan including the 423 dwellings to be provided as allocations alone, as well as other existing commitments and future windfall development. The first Examiner of the Neighbourhood Plan reported the resulting mismatch between the MBC housing target for Headcorn and that proposed in the Neighbourhood Plan. That Examiner has since withdrawn from the Examination.
- 2.4. The Parish Council submitted extensive representations on the Local Plan at the Regulation 19 stage but did not then request participation in these Local Plan hearings. Owing to the issues raised with regard to the Neighbourhood Plan the Parish Council has been invited to attend this session. The Parish

Council seeks that Policy SP7 is either deleted or is replaced by a policy that effectively delegates all planning policy for development in Headcorn to the Neighbourhood Plan. It also seeks the deletion of all the Local Plan housing allocations (which would include sites where planning permission has already been granted).

- 2.5. Paragraph 184 of the National Planning Policy Framework provides that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan.

**Qn7.20 Is Policy SP7 a strategic policy with which the Neighbourhood Plan would be required to generally conform?**

**Qn7.21 What effect would the requested deletion or modification of Policy SP7 and the relevant H1 policies have on the strategic housing supply objectives of the Local Plan?**

- 2.6. Amongst other things the Parish Council also considers the allocation of only 2.87ha of open space in Policy SP7 to be inconsistent with Policy DM22 of the Local Plan as 6.4ha would be needed to meet the needs of 423 new homes and existing residents are already under served.

**Qn7.22 Is the Policy SP7(4)(iii) requirement for public open space provision consistent with Policy DM22 and does the relationship between the Policies require modification or clarification?**

*Issue (vi) – Whether the remaining Headcorn housing allocations are sound in that they are justified and effective and consistent with national policy*

- 2.7. Planning permissions have already been granted for sites H1(36), H1(37), H1(38) and H1(41). A planning application for 1 dwelling on site H1(40) (Knaves Acre) is also awaiting a decision (allocation is for 5 dwellings).
- 2.8. Representation R1955 is broadly supportive of the Plan's spatial strategy but seeks a minor amendment to Policy H1(37) for consistency with the planning

permission that has been granted by reference to provision for an emergency access route.

**Qn7.23 Is that requested modification necessary given that the matter has been addressed by the planning permission?**

- 2.9. The only significant outstanding housing allocation site is H1(39) South of Grigg Lane (the allocation is for 55 dwellings). Persimmon Homes (R19506) seeks the modification of the allocation to increase the site area and capacity to 96 (40dph) and to increase the provision of open space to 6.1ha. Pre application discussions have been commenced for a development of 96 dwellings. However Persimmon has not stated any reasons why the existing policy is unsound. It is not the role of the Examination to seek to improve a Plan if its policies are sound.
- 2.10. Other representations seek the deletion of the site on various grounds including poor accessibility and inadequate sewerage infrastructure. It is not included in the Neighbourhood Plan.

**Qn7.24 Is the H1(39) allocation for 55 dwellings sound?**

**3. MARDEN**

Issue (vii) Whether Policy H1(46) Land S of the Parsonage, Goudhurst Road, Marden is unsound and requires modification?

- 3.1. Paragraph 182 provides amongst other things that the test of soundness includes whether the plan is the 'most appropriate strategy'.
- 3.2. Representation R19490 supports the H1(46) allocation but suggests that Policy H1(46) criterion for minimum width landscape buffers is not the 'most appropriate' and seeks its modification by the deletion of the requirement. No change is sought to the site capacity for 50 dwellings.

**Qn7.25 Does this concern a matter of strategy or is this a requested improvement to a sound policy that would be more appropriately dealt with through debate at the development management stage when MBC could assess whether a variation was warranted by the evidence?**

#### **4. STAPLEHURST**

*Issue (viii) Whether the Local Plan and/or the Neighbourhood Plan will deliver sufficient housing in Staplehurst*

- 4.1. Policies SP5 and SP10 designate Staplehurst as an RSC. Policy SP10(1) provides that 'approximately' 710 dwellings will be delivered on 3 allocated sites. Outline planning permission has been granted on H1(49) for the full allocation of 250 dwellings subject to the completion of a S106 obligation. H1(50) is allocated for 400 dwellings. The emerging Staplehurst Neighbourhood Plan similarly provides for 650 dwellings on these 2 sites. There are pending applications for only 352 dwellings on H1(50). H1(51) is allocated for 60 dwellings and is not referred to in the Neighbourhood Plan but the Examiner's report on the Neighbourhood Plan advised that, were it included in the adopted Local Plan, it could be addressed in a future review of the Neighbourhood Plan. The total anticipated delivery from all 3 Local Plan sites would be 662 dwellings as against the 710 approximate target.
- 4.2. The Neighbourhood Plan also refers to potential mixed residential and employment development at Lodge Road (Policy H6) for an unspecified number of dwellings. The Examiner's report on the Neighbourhood Plan noted a claim by the landowner that it could potentially accommodate 100 dwellings. The Examiner supported the mixed use allocation notwithstanding a claimed conflict with Policy DM20 of the emerging Local Plan which seeks to protect all of the site for employment use.
- 4.3. Representation R19584 alleges that there would be a shortfall in provision such that additional land releases would be needed in Staplehurst. Several Representors seek additional allocations here that will be discussed at later hearing sessions.

**Qn7.26 If the Neighbourhood Plan is made before the Local Plan is adopted, would Policies DM20 and DM21 mean that:**

- (a) **residential development at Lodge Road would then be in conflict with the development plan by reason of S38(5) of the Planning and Compulsory Purchase Act 2004 which in cases of conflict accords priority to the most recent development plan policy to be adopted: or**
- (b) **could residential development be considered under the policy provisions for exceptional mixed use development such that there would be no conflict?**

**Qn7.27 Is an overall shortfall in housing delivery likely that would materially affect the Local Plan strategy?**

## **5. HARRIETSHAM**

- 5.1. Policy SP6 would designate Harrietsham as a Rural Service Centre. Policies H1(33)to (H1(35) allocate 3 housing sites where planning applications have already been submitted and in some cases approved. Policy SP6 would designate 2 existing economic development areas to maintain employment opportunities and lists key infrastructure requirements. MBC has proposed a change (PC/10) to add a reference to health facilities. The final policy criterion seeks to protect community facilities and to support new provision.
- 5.2. Harrietsham Parish Council (R19264) endorses the wide ranging representations on the plan made by Yalding PC and others which will be considered at sessions 10A and 10B. However with specific reference to Harrietsham the Parish Council considers that the village lacks suitable infrastructure, especially sewage infrastructure, and sustainable transport. The Parish Council therefore seeks its downgrading from a 'rural service centre' to a 'large village'.
- 5.3. A draft Neighbourhood Plan was prepared for Harrietsham but has since been withdrawn.

**Qn7.28 Given the planning history of applications for housing development in Harrietsham, what practical difference would it now make if Harrietsham were redesignated as a Large Village?**

**Qn7.29 What are the current intention of the parish council with regard to the preparation of any Neighbourhood Plan?**