

### Session 2B –Clarification requested by Inspector.

- 1. The Inspector has asked the Council to further respond to Question 2.16 following an email from the Programme Officer received on 28 September 2016. In response to this question the Inspector was seeking specific comments on the CPRE suggested amendments to Policy DM12 that were set out on the schedule which supplemented R1952 and which was listed as R1953, and he will be seeking a response from the Council at the hearing sessions.**

#### Council's response:

1.1 Policy DM12 is consistent with the NPPF by setting out an approach to densities that is based on and provides flexibility for local circumstances as well as maximising the efficient use of land. NPPF Paragraph 47 states '*to boost significantly the supply of housing local planning authorities should:... set out their own approach to housing density to reflect local circumstances.*'

1.2 In regards to point 1 of DM12; the criteria balances the need to ensure land is efficiently used by promoting a high density where appropriate as well as enabling schemes where a lower density may be appropriate to ensure a proposal is in keeping with local character.

1.3 In regards to the second and third point and the insertion of the words '*at least*' in to the policy, the existing policy requires proposals to achieve a net density of 35 dwellings per hectare (dph) on sites adjacent to the urban area and 30 dph on sites adjacent to the rural service centres and larger villages. The Policy also provides flexibility for different densities depending on site specific issues and circumstances. In some cases such as where there are access constraints or where the form of development needs to be in keeping with local character, a lower density than 35 or 30 dph may be desirable and the use of the words '*at least*' in the policy would not be appropriate.

1.4 The third issue is the need to clarify in point 2 and 3 of the policy that '*At sites adjacent to*' is replaced by '*in*'. Windfall sites that may come forward for residential development may be located adjacent to the urban boundary or adjacent to the Rural Service Centres (RSC's) and the Larger Villages. The policy as drafted requires careful consideration to the density of all new housing proposals to ensure the most efficient use of the land available and that sites are also developed at a density consistent with achieving good design that does not compromise the distinctive areas in which it is situated.

1.5 In regards to the final paragraph and the proposal to replace the words '*other settlements*' with '*the villages*' and the insertion of the words '*at least*' before the density, the Council considers that the use of the words '*other settlements*' to be appropriate as the paragraph takes in to account all remaining settlements and not just villages. The Council does not consider it appropriate to insert the words '*at least*' before the density figure as in areas where windfall sites may come forward outside of the larger villages it may not be

appropriate to require proposals to be developed at a density of at least 30dph. The final paragraph as existing requires new residential developments to have a good design which does not compromise the distinctive character of the area in which a site may be located.

1.6 The Council does not consider Policy DM12 to be a strategic policy, so as to allow for local variation to densities delivered on sites through the Neighbourhood Planning process. It will be a requirement where there is any local variation to the identified yields on allocated sites in the Local Plan that the overall settlement quantum is achieved through the addition of other local site proposals as appropriate.

**2. An additional point the Inspector has raised is that as Headcorn Parish Council will now be participating in the hearing he will be seeking a response from the Council to Headcorn PC's representation R19281 which seeks, in relation to Policy DM12, that the density for Rural Service Centres is set at a maximum of 30dph in line with the emerging Headcorn Neighbourhood Plan.**

**Council's response:**

2.1 At the present time the Headcorn Neighbourhood Plan has not yet been adopted and is at Regulation 17 stage with an examination hearing due to take place on 18<sup>th</sup> October 2016. Given the stage of preparation and lack of testing of the Neighbourhood Plan proposals only limited weight can be afforded to its policies at this time. In its response to the Regulation 16 consultation on the Neighbourhood Plan the Borough Council expressed its concerns regarding the restrictive nature of a number of the NDP policies.

2.2 Furthermore the NPPF Paragraph 16 sets out that neighbourhoods should '*develop plans that support the strategic development needs set out in Local Plans*'. The Council therefore does not consider it appropriate to set a maximum density for across the borough based on the emerging Headcorn Neighbourhood Plan.

2.3 The Council does not consider it appropriate to set a maximum density for development within Rural Service Centres of 30dph as the Council wishes to ensure the efficient and effective use of land, whilst allowing flexibility to address concerns such as viability and local constraints on sites. Where a lower density may be more appropriate to be in keeping with local character the policy allows flexibility and developments at a lower density than 30dph within RSCs may be appropriate.