

# AGENDA

## STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE MEETING



Date: Tuesday 11 April 2017  
Time: 6.30 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors D Burton (Chairman), English,  
Mrs Grigg (Vice-Chairman),  
D Mortimer, Munford, Prendergast,  
Springett, de Wiggondene and Wilby

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1. Apologies for Absence
2. Notification of Substitute Members

**Continued Over/:**

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**Issued on Monday 3 April 2017**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services on 01622 602263**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. Minutes of the meeting held on 14 March 2017	1 - 6
8. Presentation of Petitions (if any)	
9. Questions and answer session for members of the public	
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information	
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### **PUBLIC SPEAKING**

In order to book a slot to speak at this meeting of the Strategic Planning, Sustainability and Transportation Committee, please contact the Democratic Services Officer on 01622 602743/602242 or by email on [committeeservices@maidstone.gov.uk](mailto:committeeservices@maidstone.gov.uk) by 5 pm one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

## **MAIDSTONE BOROUGH COUNCIL**

### **Strategic Planning, Sustainability and Transportation Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 14 MARCH 2017**

**Present:** Councillors D Burton (Chairman), English, Mrs Grigg,  
D Mortimer, Munford, Prendergast, Springett, de  
Wiggondene and Wilby

156. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

157. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no substitute members.

158. **URGENT ITEMS**

There were no urgent items.

159. **NOTIFICATION OF VISITING MEMBERS**

There were no visiting members.

160. **TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE  
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:** That all items be taken in public as proposed.

161. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

162. **DISCLOSURES OF LOBBYING**

All members had been lobbied on item 12. Maidstone Borough Local Plan:  
Proposed Main Modifications and Minor Changes.

163. **MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2017**

**Resolved:** That the minutes of the meeting held on 7 February 2017 be  
approved as a correct record and signed.

164. **PRESENTATION OF PETITIONS (IF ANY)**

There were no petitions.

165. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

166. COMMITTEE WORK PROGRAMME

The Chairman provided the following updates on the Committee's Work Programme:

- 5 Year Housing Land Supply would no longer be ready for the April meeting
- Boughton Monchelsea and Linton Conservation Areas will be ready for the April meeting

The Chairman updated the committee that there was an open consultation on the Housing White Paper. The consultation covered the terms of reference of both the Strategic Planning, Sustainability & Transport Committee and Communities, Housing and Environment Committee. The questions were very technical in detail and officers had suggested that they could provide a response for the committee's approval.

It was noted by the committee that there was an open consultation on the new Southeastern Railway franchise that was due to close on 20 May.

A member of the Committee reminded the Committee that the principle of 20mph speed limit pilots had been agreed by the council previously, but no further report had been brought forward.

The Committee noted that there was a section in the constitution (Part 4.4, page 65 'Regular Review of Decisions') that allowed for a regular review of planning decisions by members, and that as far as members were aware these had not been occurring.

**RESOLVED:** That

- 1) An early draft of the Housing White Paper consultation response covering areas relevant to this Committee be brought to the next Committee meeting on 11 April
- 2) The response to the SouthEastern Railway franchise consultation be considered by the Committee at the next meeting on 11 April
- 3) The Chairman and Vice Chairman will review the minutes of previous meetings and ensure that the actions agreed in the report on 20 mph Speed Limits are taken
- 4) The Head of Planning and Development works with the Planning Committee to ensure regular reviews of planning committee decisions are carried out, as set out in the constitution



167. MAIDSTONE BOROUGH LOCAL PLAN: PROPOSED MAIN MODIFICATIONS AND MINOR CHANGES

The Principal Planning Officer gave a presentation to the Committee which covered the following points:

- The proposed modifications to the Local Plan had been made by the Inspector to ensure the plan was, in his view, 'sound' in Planning terms
- The minor changes that had been made either provided an update to the plan since it was last published, or reflected consequential changes as a result of the main modifications
- At this point the decision being made by the committee was whether to take this document to consultation or not. If the Committee chose not to accept these changes then the plan needed to be withdrawn
- If the Committee agreed to take the suggested amendments to consultation, the scope and length of time allowed for the consultation needed to reflect the Regulation 19 Consultation.

**RESOLVED:**

- 1) That the publication of the schedule of proposed Main Modifications to the Maidstone Borough Local Plan in Appendix I for public consultation be approved
- 2) That the publication of the schedule of proposed Minor Changes to the Maidstone Borough Local Plan in Appendix III for public consultation be approved

Voting: For - 6 Against - 0 Abstentions - 2

Note: Councillor Wilby left the meeting at 19:15 and returned at 19:17, and was therefore absent during the vote on this item.

168. MAIDSTONE PARK AND RIDE PROVISION AND TOWN CENTRE PARKING STRATEGY

The Planning Policy Manager explained that the Committee had previously requested a report proposing a study which included park and ride, a new bus interchange and a town centre parking strategy. This approach would allow consideration of multi-modal journey planning at a borough wide level and an integrated approach to parking provision for the future. The report on the agenda provided further information on this study, including:

- That the first step of this process was a short term operational review of Park and Ride, as the contract comes to an end in May 2018

- A strategic review of Park and Ride provision would take place at the same time, with information from the operational report informing the strategic report
- The development of a Maidstone Town Centre Parking Strategy which would align with the Integrated Transport Strategy and would consider how to encourage long stay parking in the larger edge-of-centre car parks and whether there was any scope for rationalisation of car parking provision
- The council already had a lot of the information required to carry out these studies and draft the strategy, but there may be other information required for which additional survey work may be needed

The Committee considered the report and requested that the following elements be included in the study:

- Expansion of car parks should also be considered, where appropriate, rather than a focus on rationalisation
- An expansion of electric vehicle charging points
- Consideration of the introduction of charging for polluting vehicles
- The report needed to consider borough wide bus and rail interchanges
- Information on the impact of the closure of the Sittingbourne Road Park and Ride Service needed to be part of the review
- Removal of any reference of considering car parks as development sites
- The review needed to acknowledge that the Council didn't control all of the car parks in the town centre, and this meant that the council's policies could be undermined by others
- The Committee requested a current survey of car park usage to form an evidence base for the report

**RESOLVED:** That

- 1) Officers are instructed to take forward the park and ride study and the Maidstone Town Centre Parking Strategy concurrently with the agreed bus interchange study, taking into account the following areas requested by the Committee:
  - Consideration of the expansion as well as consolidation of car parks

- An expansion of electric vehicle charging points
- The introduction of charging for polluting vehicles
- Bus and rail interchanges
- The impact of the closure of the Sittingbourne Road Park and Ride Site
- Removal of any reference of considering car parks as development sites
- The review needs to acknowledge that not all car parks are under the Council's control
- An up to date survey of car park usage

2) An all member workshop be held to review the evidence gathered and the initial findings of the strategies before a final report is taken to this Committee

Voting: For - 9 Against - 0 Abstentions - 0

#### 169. PLANNING PERFORMANCE AGREEMENTS (PPA'S)

The Major Developments Officer presented his report to the Committee which explained:

- PPA's were an agreement signed between a planning authority and developer which provided a clear project management approach to submitting a planning application
- The cost of a PPA was in addition to the fee charged for submitting a planning application
- However a local planning authority is prohibited from making profit from a PPA fee
- PPA's had already been piloted in Maidstone and had been broadly successful

In response to a question from the Committee, the Major Developments Officer confirmed that there was no refund arrangement if a planning application was not eventually submitted by a developer after signing a PPA.

Members of the committee raised concerns that approving use of PPAs would create a two tier system for planning applications, where those who had signed a PPA would receive preferential treatment compared to those who had not signed a PPA. The Committee were also concerned that they had not been kept informed of the progress of the PPA pilots.

**RESOLVED:** That

- 1) The Committee approves the further investigation of PPAs, up to a maximum of 8 PPAs including the current 4 pilots using the fee structure proposed in section 2.3 of the Officer Report. The final fee structure will need to be considered at a later date.
- 2) An update on the pilot scheme must be provided to this Committee in the form of a workshop before a final decision is taken on the adoption of PPAs

Voting:        For - 8        Against - 1    Abstentions - 0

170. **PLANNING SERVICE REVIEW UPDATE**

The Director of Regeneration and Place presented this item to the Committee.

In response to a question from a member of the Committee, the Director of Regeneration and Place explained that the term 'customer' included all stakeholders in the planning process and not just developers.

**RESOLVED:**

That the report be noted

171. **DURATION OF MEETING**

6.30 p.m. to 8.31 p.m.

Committee	Theme	Report Title	Date
Strategic Planning, Sustainability and Transportation Committee	Other	E-Planning - Parish Copies of Applications	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	Headcorn Neighbourhood Plan - Examiner's Report	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	20 MPH Zones	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	SouthEastern Railway Consultation Response	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	Housing White Paper Response	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	Air Quality Technical Guidance	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	Boughton Monchelsea and Linton Conservation Areas	11 April 2017
Strategic Planning, Sustainability and Transportation Committee	Other	Key Performance Indicators 17-18	11 April 2017
Strategic Planning, Sustainability and Transportation Committee (possible	Parks and Open Spaces	Playing Pitch Strategy and Indoor Built Facilities Strategy	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Neighbourhood Planning Update	13 June 2017
Strategic Planning, Sustainability and Transportation Committee	Other	Enforcement Policy Statements and Practise Standards	13 June 2017
Strategic Planning, Sustainability and Transportation Committee	Monitoring Reports	Parking Services Annual Report	Jul-17
Strategic Planning, Sustainability and Transportation Committee	Town Centre Regeneration	Town Centre Parking Analysis and Innovation Strategy	Apr 2017 then JTB in
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	5 Year Housing Land Supply	TBC
Strategic Planning, Sustainability and Transportation Committee	Other	Public Art Policy	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Enforcement	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	PDR Greensand Ridge	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Development of Supplementary Planning Documents for the Green	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Development of Supplementary Planning Documents for 2016/17	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Implementation of rewilding initiatives	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Local Development Updates	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	Update on Park and Ride post Sittingbourne Road Closure	TBC
Strategic Planning, Sustainability and Transportation Committee	Monitoring Reports	Fourth Quarter Budget Monitoring	TBC
Strategic Planning, Sustainability and Transportation Committee	Monitoring Reports	Strategic Plan Performance Update Quarter 4	TBC
Strategic Planning, Sustainability and Transportation Committee	New/ Updates to Strategies and Plans	Low Emissions Strategy	TBC
Strategic Planning, Sustainability and Transportation Committee	Other	Planning Support Service Options	TBC
Strategic Planning, Sustainability and Transportation Committee	Other	Report on committee taking part in KCC bus transport select	TBC
Strategic Planning, Sustainability and Transportation Committee	Other	Renewal of Park and Ride contract	TBC
Strategic Planning, Sustainability and Transportation Committee	Town Centre Regeneration	Union Street Redevelopment	TBC
Strategic Planning, Sustainability and Transportation Committee	Completing the Local Plan	CIL Governance arrangements	TBC
Strategic Planning, Sustainability and Transportation Committee (possible	Parks and Open Spaces	Parks, Open Spaces, Play Areas and Nature Reserves	TBC
Strategic Planning, Sustainability and Transportation Committee	Town Centre Regeneration	Brunswick Street Redevelopment	TBC
NA	Member Development and Training (not report specific)	Masterplans for Lenham and Invicta Barracks workshop	TBC
NA	Member Development and Training (not report specific)	Masterplan for Maidstone East Redevelopment	TBC
NA	Member Development and Training (not report specific)	Housing and Planning Act - changes to National Policy in relation to Plan making	TBC (2017)

Key
Completing the Local Plan
Housing
Income Generation
Medium Term Financial Strategy
Member Development and Training (not report specific)
Monitoring Reports
Museums and Heritage
New/Updates to Strategies and Plans
Other
Other Finance Issues
Parks and Open Spaces
Town Centre Regeneration

# Agenda Item 12

<b>Strategic Planning Sustainability and Transportation Committee</b>	<b>11 April 2017</b>
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Is the final decision on the recommendations in this report to be made at this meeting?	<b>Yes</b>
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## Key Performance Indicators for Strategic Planning Sustainability Transportation Committee 2017-18

<b>Final Decision-Maker</b>	Strategic Planning Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Head of Policy and Communications
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Head of Policy and Communications
<b>Classification</b>	Public
<b>Wards affected</b>	All

**This report makes the following recommendations to this Committee:**

1. To agree which key performance indicators are reported in 2017-18

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Performance management is focussed on identifying whether the Council is achieving the strategic priorities and action identified in the Council's Strategic Plan.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning Sustainability and Transportation Committee	11 April 2017

# Key Performance Indicators for Strategic Planning Sustainability and Transportation Committee 2017-18

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council has recently approved a refreshed strategic plan for 2017-18 refining the action areas that deliver the identified priorities (Appendix A). Each service committee is asked to consider and agree key performance indicators for measuring the achievements of our priorities in 2017-18.
  - 1.2 This report sets out the current indicators and indicators for consideration by the committee following a councillor workshop in March.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 There are two action areas aligned to this committee's terms of reference:
  - A Home for Everyone
  - Securing Improvements to the Transport Infrastructure for our Borough
- 2.2 For each action area in the strategic plan it has been set out what we want to achieve and what the council has committed to in order to do this.
- 2.3 At the Councillor workshop and the committee meetings to consider the refresh of the Strategic Plan it was identified that where there are strategies and plans in place to deliver the action areas we will use measures set out in those documents.

### **Areas of Focus**

- 2.4 A Home for Everyone

We commit to:

- Delivering the Local Plan
- Delivering the Housing and Regeneration Strategy
- Delivering the Housing Strategy
- Delivering the Temporary Accommodation Strategy

- 2.5 Securing Improvements to the Transport Infrastructure for our Borough

We commit to:

- We will commit to
- Delivering the Integrated Transport Strategy
- Delivering the Walking and Cycling Strategy

- 2.6 The current performance indicators for 2016-17 are outlined below for information:

### **A Home for Everyone**

<b>Performance Indicator</b>	<b>Current Target</b>
Processing of Major planning applications in 13 weeks	80%
*Net additional homes provided (NI 154)	560
*Number of affordable homes delivered (gross)	180
*Number of households prevented from becoming homeless through the intervention of housing advice	300 (reduced)
*Number of households housed through housing register	600

\*cross over with Communities, Housing and Environment

### **Securing Improvements to the Transport Infrastructure for our Borough**

<b>Performance Indicator</b>	<b>Current Target</b>
Percentage of sustainable vehicles in Maidstone	Information only
Number of school journeys undertaken without a car as part of borough wide schemes	Information only

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## **3. AVAILABLE OPTIONS**

- 3.1 The Committee can decide not to have any performance management information this would however significantly limit its ability to monitor and manage progress against the strategic priorities.
- 3.2 The current performance measures could be retained if the Committee identifies that these are still appropriate or a new set of indicators could be agreed.



- 3.3 Having reviewed measures from current plans and strategies and taking into account the Councillor workshop the following indicators and targets are proposed for consideration by the committee:

**A Home for Everyone**

<b>Performance Indicator</b>	<b>Target</b>
Processing of Major planning applications in 13 weeks	85%
Processing of Minor Applications	85%
Processing of Other Applications	85%
Net additional homes provided (NI 154)	600
Number of affordable homes delivered (gross)	200

**Securing Improvements to the Transport Infrastructure for our Borough**

- Progress of Integrated Transport Strategy
- 3.4 As there are a number of strategies in place that the Council is committed to the committee may want to receive regular updates on the progress of these to ensure the Council is delivering against these plans and strategies and identify further action if required.
- 3.5 Six monthly reports may be requested by the Committee on the following strategies and plans as part of its performance management role:
- Local Plan
  - Housing and Regeneration Strategy
  - Integrated Transport Strategy
  - Walking and Cycling Strategy

The Committee also receives an Annual Monitoring Report once a year which includes a framework with which to monitor and review the effectiveness of local plan policies that address local issues over the previous year.

- 3.6 The Committee when setting its performance indicators and targets for the year should consider the following criteria:

**Specific** – The indicator needs to be specific so that a clear definition and methodology can be created for it. The definition will need to be widely accepted, so that there is no margin for misinterpretation. It should also link back to a specific action or objective that we have agreed to deliver against.

**Measurable** – An indicator needs to be measurable so that progress toward an objective can be tracked. This also allows us to add targets to the indicator if necessary, and compare performance over time. Have a measurable indicator makes it clear and simple to understand, and you can see when the target has been met or exceeded.

**Achievable** – There should be a good chance that the targets, and the objectives they relate to, are achievable. They may be difficult to achieve and require changes, but they should not be impossible. It can be discouraging to try and achieve a goal that we can never obtain.

**Relevant** – The indicator should be something that we have control or influence over. This ensures that, if desired performance is not being achieved, we can make operational changes to try and improve performance. The KPI will then give insight into how well we are delivering against a strategy. 'R' can also stand for relating the indicator back to a strategy or objective.

*In some cases, data that directly relates to one of our priority action areas can be provided as 'information only', even if we have no direct influence on it.*

**Time-bound** – We should be able to monitor performance over time periods, whether this is monthly, quarterly, or annually. This allows us to attribute performance to particular periods of time, and makes it easier to show trends. Performance may be reported in arrears where data is not immediately available, such as third-party data sources.

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The Committee is asked to consider which indicators will best measure and track progress against the action areas that are relevant to its terms of reference. Agreement is sought on the indicators and targets for 2017-18 as well as frequency of reporting a list of recommended indicators has been given for the committee to review. The Committee may also find it beneficial to receive regular updates on the plans and strategies listed at point 3.5 above.

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#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The Committee has previously considered performance measures when it reviewed the strategic plan in January 2017. A workshop was held to which all Councillors were invited to ascertain views on indicators for each action area. This report reflects those meetings.

## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The Committee's agreed set of indicators will be reported and added to its work programme for 2017-18.

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	Performance management is focussed on identifying whether the Council is achieving the strategic priorities and action identified in the Council's Strategic Plan.	Head of Policy and Communications
<b>Risk Management</b>	Managing performance effectively should act as both risk mitigation and identification	Head of Policy and Communications
<b>Financial</b>	The Committee should consider the resource required to collate and report the data requested. Performance reports will be considered alongside the budget monitoring reports.	Head of Policy and Communications
<b>Staffing</b>	The Committee should consider the resource required to collate and report the data requested. Indicators will direct the work of the council's staff.	Head of Policy and Communications
<b>Legal</b>	N/A	Legal Team
<b>Equality Impact Needs Assessment</b>	No implications at this time	Head of Policy and Communications
<b>Environmental/Sustainable Development</b>	The committee has action areas that are relevant to this area and this should be taken into account when agreeing the performance indicators.	Head of Policy and Communications
<b>Community Safety</b>	N/A	Head of Policy and Communications
<b>Human Rights Act</b>	N/A	Head of Policy and Communications
<b>Procurement</b>	N/A	Head of Policy and

		Communications
<b>Asset Management</b>	The council has a number of assets which contribute to the achievement of our priorities indicators should be measuring how these assets are used to fulfil our priorities.	Head of Policy and Communications

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Strategic Plan 2015-20, 2017-18 Refresh

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## 9. BACKGROUND PAPERS

None

# Maidstone Borough Council's Strategic Plan 2015-2020

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# Foreword from the Leader, Councillor Fran Wilson

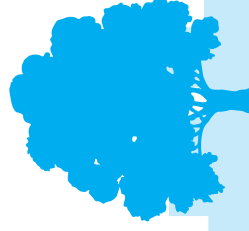


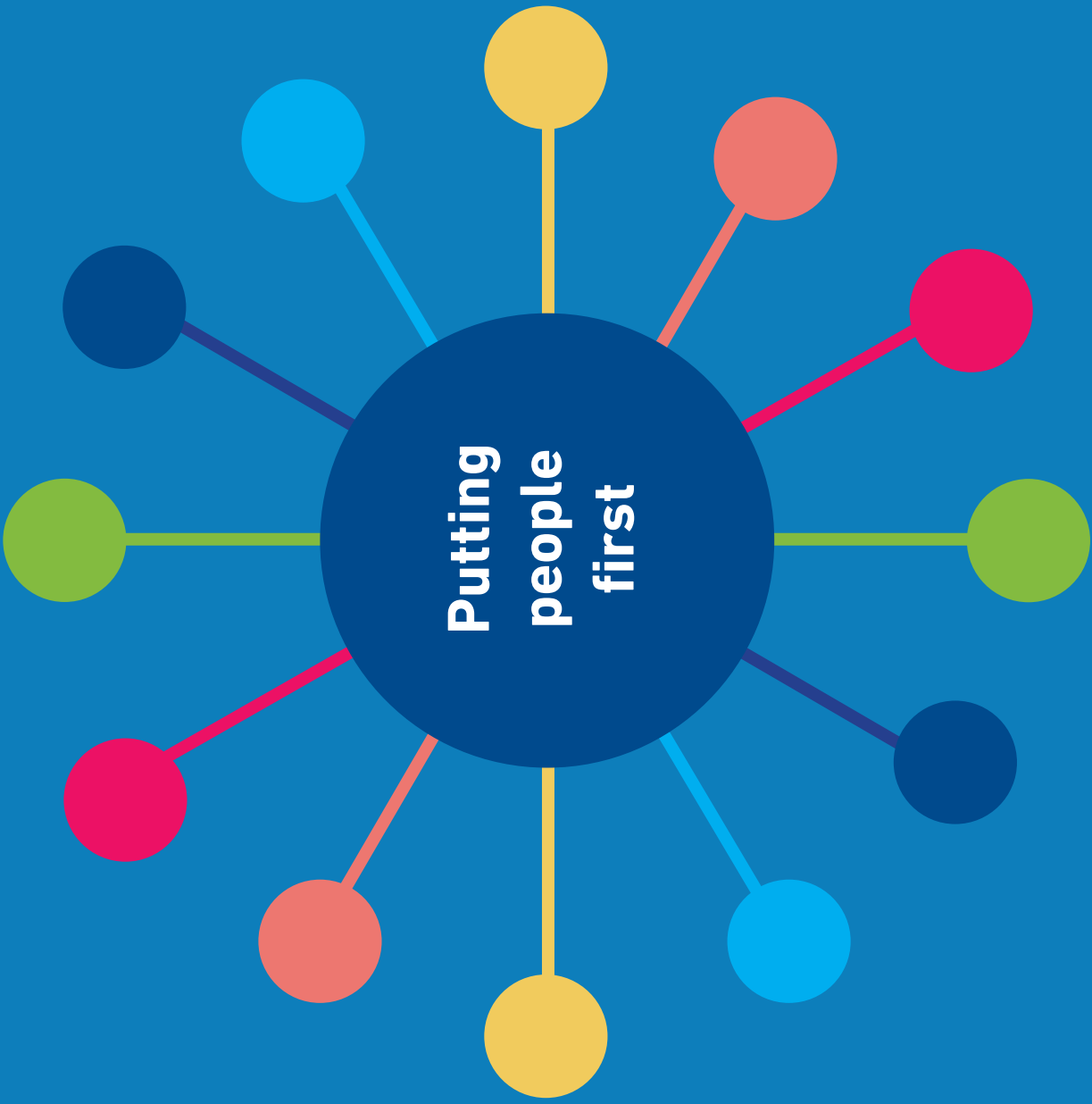
I am writing this foreword as an update to our strategic plan during a period of severe financial constraints as we continue to focus on delivering a full range of services with all revenue support from central government removed. Despite this challenge the council remains ambitious for this year and has identified three areas for action:

- A home for everyone
- A clean and safe environment and;
- Regenerating the town centre

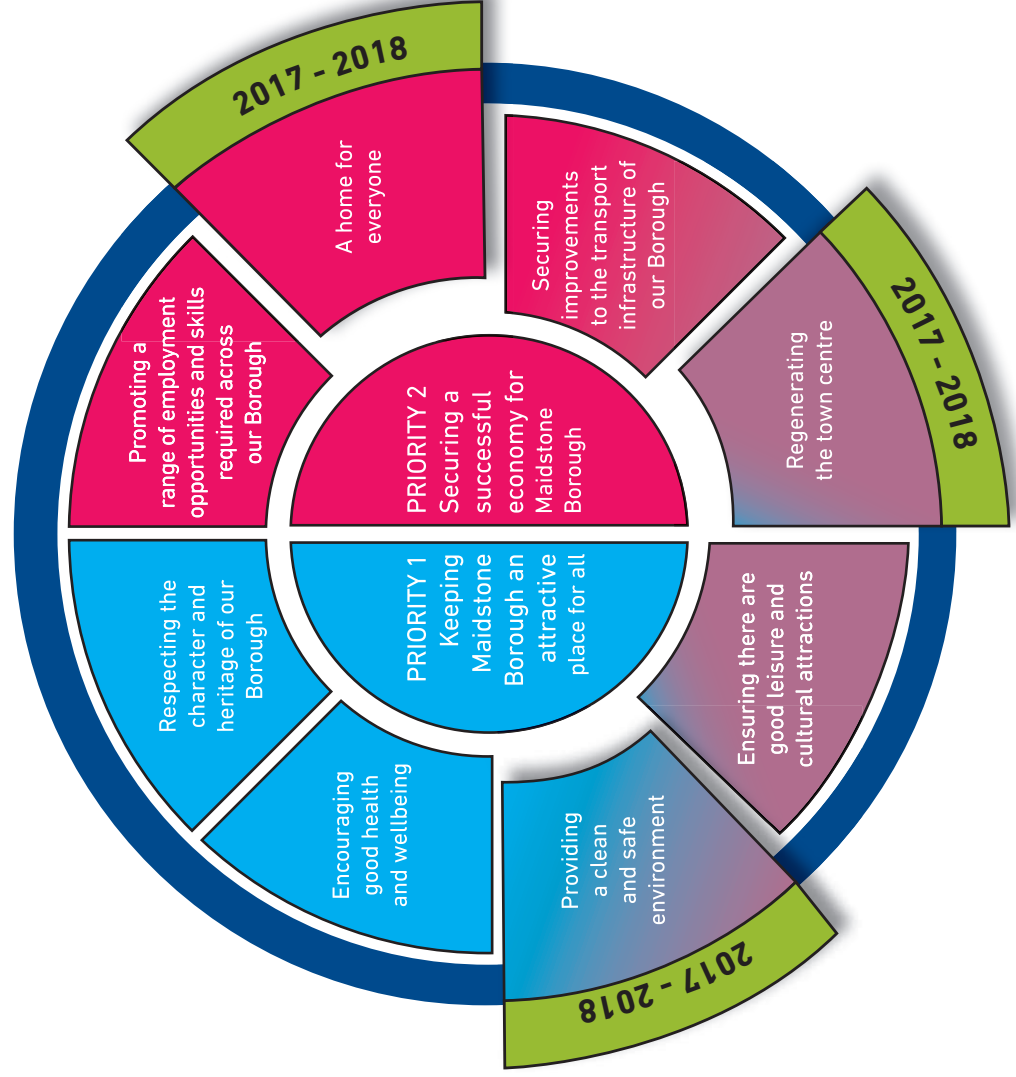
As a council our mission is to put people first. The three areas of focus will see action to ensure we have an attractive borough that respects our heritage and environment. This year we will deliver a new housing and regeneration strategy which will focus on providing much needed sustainable housing for our residents across the borough and further investment in Maidstone town centre. The importance of maintaining clarity of communication between us and all our interested parties cannot be over emphasised if we are going to achieve our priorities and ensure we are all working towards a common goal. I want our residents to be proud of where they live, our businesses to be enabled to thrive and our visitors to enjoy our offer to the extent that they would come back to Maidstone over and over again.

**Fran Wilson**  
**Leader of the Council**





That our residents live in decent homes, enjoy good health and a pleasant environment, with a successful economy that is supported by reliable transport networks.





## Providing a Clean and Safe Environment

Maidstone Borough Council is committed to creating an attractive environment which is safe, well maintained and clean. Our borough does not experience high levels of crime and through the Community Safety Partnership, we aim to protect the most vulnerable people in our community.

Our recycling levels have reached 51%. Maidstone has areas of poor air quality due to high concentrations of nitrogen dioxide associated with road traffic and has designated the urban area of the borough as an Air Quality Management Zone.

### **We want:**

People to feel safe in the borough and experience an attractive, clean and safe environment.

### **We will commit to:**

- Investing to improve street infrastructure and the efficiency of cleansing services in accordance with our medium term financial strategy
- Delivering the Waste and Recycling Strategy
- Delivering the Community Safety Plan 2017-18
- Delivering the Low Emissions Strategy

## Encouraging Good Health and Wellbeing

Deprivation in the borough is lower than average, however 15.2% (4,455) of children (under 16 years old) in Maidstone live in poverty. There is a difference in life expectancy of men and women; women are expected to live 3 years longer than men and there is a 11 year gap between the ward with the highest life expectancy and the one with the lowest life expectancy

### **We want:**

- To address the social determinants of health through our role in services like Housing, Environmental Health and Community Development and our provider role in terms of leisure activities
- To improve health outcomes for residents and reduce health inequality

### **We will commit to:**

- Delivering our Housing Strategy
- Delivering our Health and Wellbeing Action Plan
- Adopting and delivering our Parks and Open spaces 10 year strategic plan



## Respecting the Character and Heritage of our Borough

Maidstone is a largely rural borough with high quality landscapes, countryside and urban green spaces and associated rich bio-diversity. Our borough has many attractive and protected buildings and we want these to remain in place for future generations. Our focus on economic prosperity embraces the need to protect and enhance these features so that the borough remains a great place to live, work and visit.

### **We want:**

- Thriving and resilient urban and rural communities
- To continue to listen to our communities
- To continue to respect our heritage and natural environment
- To continue to devolve services where we can and work with Kent County Council to do the same

### **We will commit to:**

- Delivering the Local Plan
- Delivering the Green and Blue Infrastructure Strategy
- Adopting and delivering our Parks and Open Spaces 10 year strategic plan
- Delivering and honouring our Parish Charter
- Working with our Parishes and Communities on the design of their neighbourhoods

## Ensuring there are Good Leisure and Cultural Attractions

There is always something to see or do in our borough reflecting the wide variety of venues, facilities and good quality public spaces. This not only enhances quality of life for Maidstone residents but also contributes significantly to the local economy. Our population is increasing at the highest rate in Kent. We are also growing as a destination for visitors and so our leisure and culture offer has continued importance for those living in and visiting the borough.

### **We want:**

Maidstone to have a leisure and cultural offer which attracts visitors and meets the needs of our residents.

### **We will commit to:**

- Delivering the Commercialisation Strategy which refers to a sustainable future for our parks
- Delivering the Destination Management Plan
- Delivering the Festival and Events Strategy
- Adopting and delivering the Museum's 20 year plan
- Adopting and delivering the Parks and Open Spaces 10 year Strategic Plan



## Regenerating the Town Centre

Maidstone has a thriving town centre benefiting from its role as the county town and has a diverse mix of residential, business, retail, cultural uses and public services. The changing economic environment has created challenges and the need for further investment in the town centre to meet the expectations of residents, businesses and visitors.

### **We want:**

To ensure we have a thriving and attractive town centre that values our heritage and is fit for the future.

### **We will commit to:**

- Delivering the Local Plan
- Delivering the Housing and Regeneration Strategy
- Delivering the Destination Management Plan

## Securing Improvements to the Transport Infrastructure for our Borough

Maidstone is strategically situated between London and the channel ports and is serviced by two motorway networks, the M20 and the M2, with rail connections to central London. We do however recognise that travelling in and around the borough by car during peak periods can be difficult due to congestion. The bus transport network serving Maidstone town is relatively strong whilst rural transport presents distinct challenges

### **We want:**

A sustainable transport network that meets the needs of residents, businesses and visitors.

### **We will commit to:**

- Delivering the Integrated Transport Strategy
- Delivering the Walking and Cycling Strategy



## A Home for Everyone

The supply of new affordable housing within the borough has been greater than in neighbouring authorities, although still less than historical levels. 139 new affordable homes were built in the borough in 2015/16. 13% of Maidstone households live in socially rented accommodation which is comparable to the rest of Kent.

### **We want:**

To have enough homes to meet our residents' long term needs, to include homes for affordable rent and affordable home ownership. These must be economically sustainable for all our residents.

### **We will commit to:**

- Delivering the Local Plan
- Delivering the Housing and Regeneration Strategy
- Delivering the Housing Strategy
- Delivering the Temporary Accommodation Strategy

## Range of Employment Skills and Opportunities Across the Borough

There were 83,200 people employed in the Maidstone economy in 2015/16 with a high proportion in the public sector, reflecting the town's status as Kent's County Town and administrative capital. There were 7,080 registered businesses in Maidstone in 2016, equivalent to 43 businesses per 1,000 population, compared to 39 for England and above average rate of self-employment

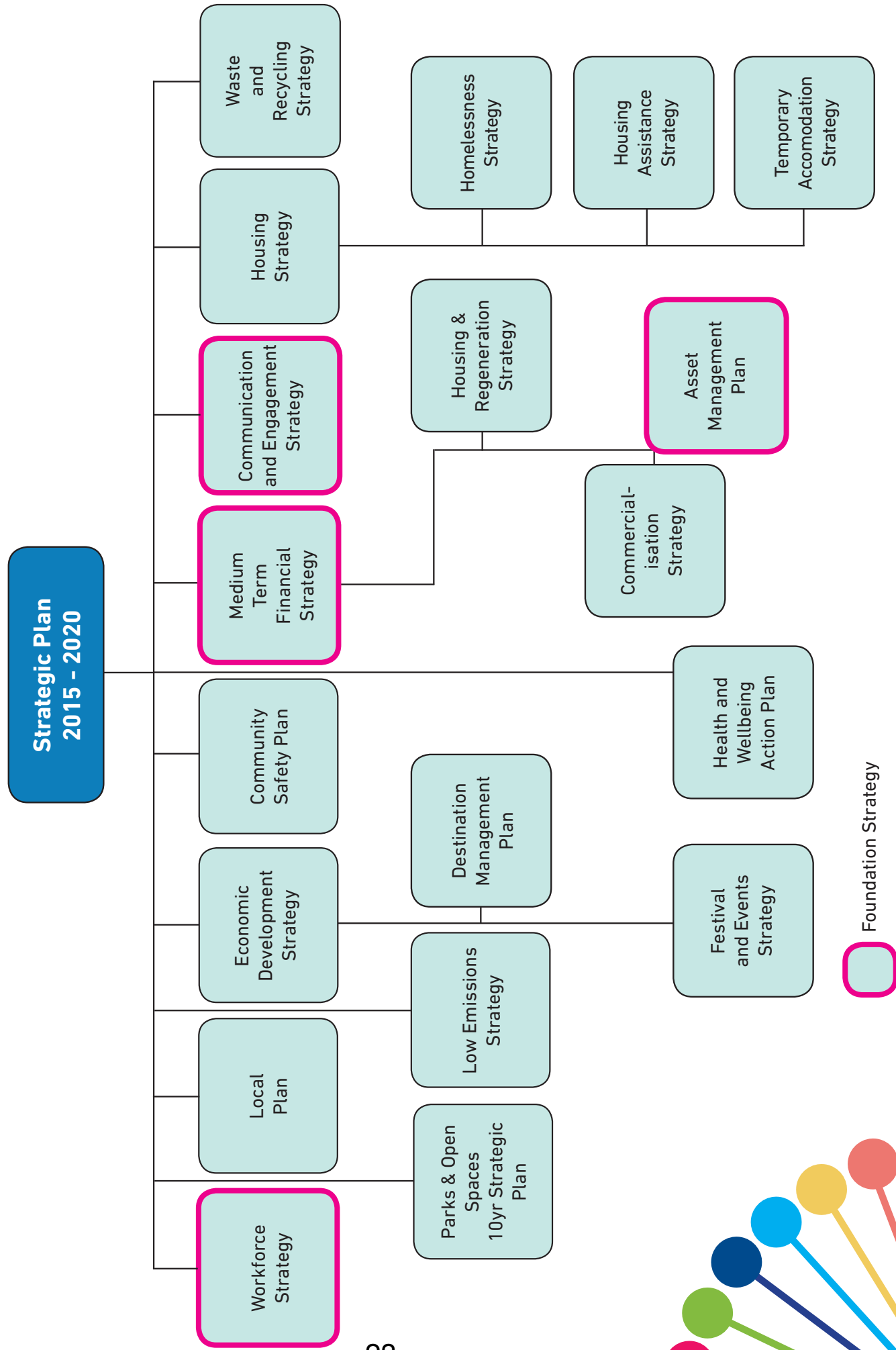
### **We want:**

To meet the skills needs of our residents and employers, supporting existing businesses and attracting new ones.

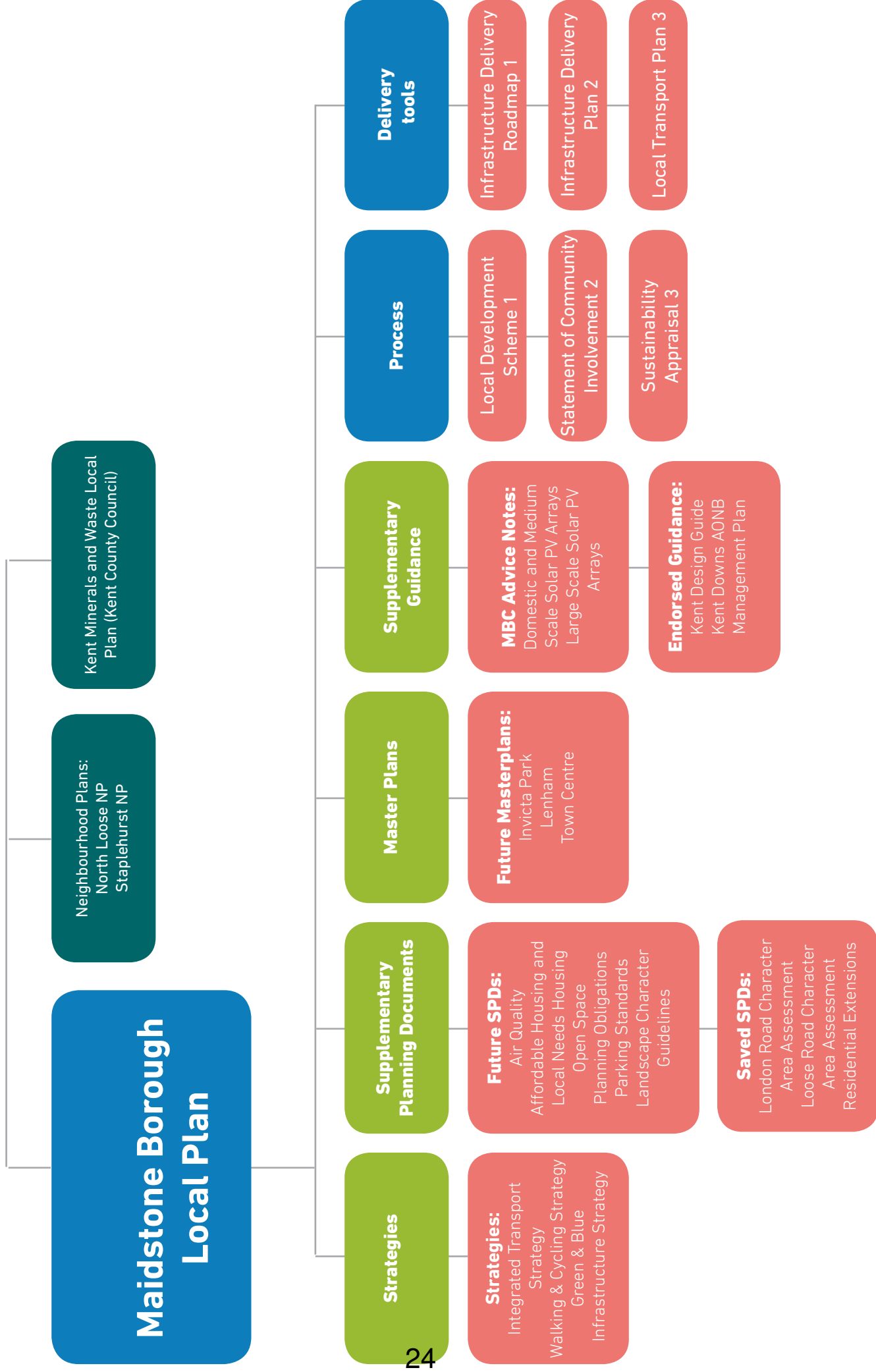
### **We will commit to:**

- Delivering our Economic Development Strategy
- Working with businesses to support them to grow and develop

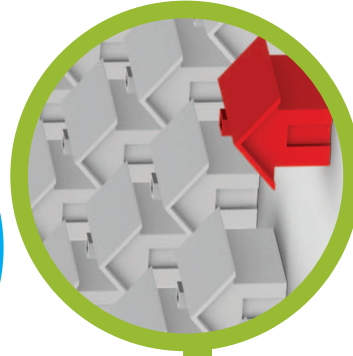




# Maidstone Local Plan Flow Chart



# Our Values









<b>Strategic Planning, Sustainability and Transportation Committee</b>		<b>11 April 2017</b>
Is the final decision on the recommendations in this report to be made at this meeting?		<b>Yes</b>

## Boughton Monchelsea and Linton Conservation Areas

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Deanne Cunningham, Team Leader (Heritage, Landscape and Design)
<b>Classification</b>	Public
<b>Wards affected</b>	Boughton Monchelsea and Chart Sutton; Coxheath and Hunton

<b>This report makes the following recommendations to this Committee:</b> <ol style="list-style-type: none"> <li>1. To approve a Conservation Area Management Plan for the three conservation areas in Boughton Monchelsea</li> <li>2. That the Head of Planning and Development be given delegated authority to make the decision to effect proposed boundary alterations to Linton Conservation Area following consultation with affected bodies and landowners</li> </ol>
--

<b>This report relates to the following corporate priorities:</b> <ul style="list-style-type: none"> <li>• Keeping Maidstone Borough an attractive place for all – by providing advice on the management of conservation areas to ensure that their historic and aesthetic qualities are preserved and by extending the areas of conservation areas to provide wider protection</li> </ul>
--

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	11/04/2017

# **Boughton Monchelsea and Linton Conservation Areas**

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 To consider and approve a Management Plan for the three conservation areas in Boughton Monchelsea.
  - 1.2 To consider a report on the proposed boundary alterations to Linton Conservation Area and agree its recommendations. To authorise consultations with affected landowners/ interested bodies in areas affected by the proposed changes with a view to formal designation of the amended boundary.
- 

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The Council engaged consultants to produce two separate pieces of work:
    - A Management Plan for three Conservation Areas in Boughton Monchelsea
    - A detailed examination of the areas identified in the approved Management Plan for Linton Conservation Area for inclusion in an expanded boundary, with recommendations where changes would be justified.
  - 2.2 The three Conservation Areas within Boughton Monchelsea are The Green, The Quarries and Cock Street. Conservation Area Appraisals were approved for these in 2008/ 2009.
  - 2.3 The Conservation Area in Linton has an appraisal approved in 2008 and a Conservation Area Management Plan approved in 2010. The Management Plan identified various areas to be further investigated for the possibility of inclusion within the Conservation Area.
- 

## **3. AVAILABLE OPTIONS**

- 3.1 If neither of the recommendations made under the preferred option were accepted, the existing status quo in relation to these conservation areas would remain.
- 3.2 In the case of the Boughton Monchelsea Conservation Areas they would still have the benefit of the approved Conservation Area Appraisals. However, the Management Plan, if approved, would set out a framework for conserving, enhancing and managing development in the conservation areas to ensure that they retain their special qualities that justified their designation. As such it would help fulfil the Council's duty under Section 71

of the Planning (Listed Buildings and Conservation Areas) Act 1990 to prepare proposals for the preservation and enhancement of conservation areas. Failure to approve the Management Plan would mean that this duty was not observed. The Management Plan would provide a stronger base for development management decisions in resisting inappropriate developments.

- 3.3 In the case of Linton, failure to agree the extensions proposed would mean that areas essential to the character of the conservation area because of their connection and interaction with it would remain for the most part with a lesser degree of protection than the core of the village which already enjoys conservation area protection.
- 3.4 For these reasons it is recommended that the preferred option set out below should be the only option.
- 

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

##### Boughton Monchelsea Conservation Area Management Plan

- 4.1 The Management Plan produced by the Council's consultants covers all three conservation areas in Boughton Monchelsea (appendix I). It identifies key issues adversely affecting the special character of the conservation areas and identifies key opportunities for enhancement. Guidelines are suggested for dealing with development proposals and a framework for design standards for both new buildings and the alteration or extension of existing buildings is set out. These would prove most useful in assessing planning proposals within the conservation areas.
- 4.2 The Management Plan identifies as one of the key issues adversely affecting special character as the cumulative impact of minor alterations to non-listed residential buildings which currently fall outside planning control. It proposes that this should be addressed by the making of an Article 4 Direction to bring such alterations within planning control. If this action were to be pursued it would require additional resources and therefore this area of work is not included as part of the recommendation of this report.
- 4.3 The Management Plan also examines various areas to see whether they would be worthy of inclusion within the conservation areas, subject to further study. Some of these were intimated in the Conservation Area Appraisals and others have been suggested by the Parish Council. Brief details of the areas looked at are set out below.
- 4.4 The Green Conservation Area  
A number of possible boundary alterations were suggested for investigation in the Conservation Area Appraisal (appendix III):-
- i) Cart Lodge Oast – this property forms part of a larger building at the South West corner of the conservation area. Currently the conservation area boundary cuts through this building and it is recommended that this anomalous situation be addressed by

adjusting the boundary of the conservation area to include the whole building. At the same time it is proposed that the boundary eastwards from here be adjusted to follow the centre line of the road rather than the front boundaries of properties on its northern side.

- ii) The Albion Public House – it is concluded that this building, which is of later 19<sup>th</sup> Century date, should not be included.
- iii) Church Street – although this contains some altered early 19<sup>th</sup> Century cottages it is considered that it has no consistent character and includes a number of buildings which do not make any positive contribution to character. For these reasons it is not considered to reach the standard required for conservation area designation.

#### 4.5 The Quarries Conservation Area

A number of boundary changes were suggested in the Conservation Area Appraisal with others suggested by the Parish Council (appendix IV):-

- i) Land East of Beresford Cottage – a new house built on this plot is dissected by the current conservation area boundary. The Management Plan suggests that this should be re-aligned to either follow the boundary line between the new house and Beresford Cottage or to include the whole plot of the new house.
- ii) Land West of Harts House – the ponds on this land are part of the historic core and it is suggested that the conservation area be extended to encompass them and Wood Cottage.
- iii) Forge Bungalows – these altered 19<sup>th</sup> Century single storey buildings could be considered for inclusion.
- iv) An eastward extension along The Quarries is not recommended for inclusion as there is no coherence to the development, much of which is mid/late 20<sup>th</sup> Century ribbon development.
- v) Rock House – this substantial early Victorian house with its impressive ragstone boundary wall to the road is suggested for inclusion.
- vi) Boughton Quarry Camp – this Iron Age settlement is already protected to a greater degree by its Scheduling as an Ancient Monument and it is inappropriate to protect open land/ woodland by way of conservation area designation.

#### 4.6 Cock Street Conservation Area

No extensions or amendments to the boundary are suggested.

- 4.7 The Management Plan has been soundly prepared in accordance with best practice advice and it is therefore considered that it should be approved.

#### Linton Conservation Area Boundary Study

- 4.8 The Linton Conservation Area Appraisal was approved in 2008 and the various changes be made to the conservation area boundary subject to further study and survey.

- 4.9 The consultants' report examines in a high level of detail the areas suggested for examination in the Management Plan (appendix V). The findings for each of these are summarised below.

- 4.10 The major possible addition concerns Linton Park. This contains the Grade I listed country house and numerous other listed buildings and structures. The park itself is included on the national Register of Historic Parks and Gardens and is thus a designated heritage asset; however, this status does not confer any statutory protection. The report analyses the history of the development of the park in detail and concludes that the mansion and designed landscape are most significant as a whole, but that numerous features/ buildings within it (not all listed) have intrinsic merit. It further concludes that the house and park are important contributors to the significance of Linton, which is essentially an estate village, particularly because of the visual linkages between them. For this reason it is suggested that the park should be included within the conservation area, although other estate buildings outside the park, along Heath Road, should be excluded.
- 4.11 An attractive and visually prominent group of buildings on the Eastern side of Loddington Lane comprising Loddington House, Loddington Cottage, The Stables and Loddington Oast are considered but not felt to have a strong enough architectural or historic connection with Linton Park or village to merit inclusion.
- 4.12 Wheelers Lane runs West from the bottom of Linton Hill. Although 1-4 Redwall Cottages are late examples of estate cottages and The White House of 1938-40 is an interesting house designed by an architect of note (some of whose buildings are listed), overall development along the lane is found to be architecturally and historically unremarkable and therefore not suitable for inclusion within the conservation area.
- 4.13 Vicarage Field lies to the West side of Linton Hill where it contributes to the character of the conservation area by providing open views to the West. The present boundary is arbitrary, running through the middle of the field so that only the Eastern half falls within the conservation area. There is no visual marker of the conservation area boundary. It is therefore recommended that the boundary be shifted westwards to incorporate the entire field and relate to property boundaries on the ground.
- 4.14 The Old Forge, Linton Hill. This is an altered early 19<sup>th</sup> Century building but still recognisable as the forge building. It is the first building in the historic core of the village when approaching from the North and has historic significance. For these reasons it is suggested for inclusion.
- 4.15 Various other minor boundary changes are suggested to the West of Linton Hill which would relate better to identifiable property boundaries and enclosures (appendix VI).
- 4.16 The consultant's report is considered to be thorough and well researched and it has reached its conclusions for sound reasons. It is therefore recommended that authorisation is given for a consultation exercise with all relevant landowners/ interested bodies in areas affected by the proposed changes and that delegated authority be given to the Head of

Planning and Development to make the final decision on designation of the amended boundary following the consultation.

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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Both reports have been the subject of consultation with the relevant parish councils. Responses have been fed back to the consultants and the reports amended where appropriate.
- 5.2 Both Parish Councils are supportive of the reports.

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 In the case of the Boughton Monchelsea Management Plan no further action will be necessary if it is approved beyond making it available on the Council's website.
- 6.2 The recommended Management Plan actions to extend the boundaries of The Green and The Quarries Conservation areas will be subject to staff resources. There is no budget allocation for this work to be outsourced. The work will be profiled within the service plan for Heritage, Landscape and Design (HLD) for September 2017/18, enabling it to become a key priority for delivery of objectives.
- 6.3 If the recommendations for extending the Linton Conservation Area are agreed, the next stage will be to carry out an extensive public consultation exercise within those areas proposed for inclusion together with other interested bodies such as Historic England.
- 6.4 Responses to these consultations would be reported back to the Head of Planning and Development with a recommendation to designate or not. If the recommendation is agreed then the designation would have to be advertised in the local press and the London Gazette. There would be no need to seek approval from any higher body.

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## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The provision of conservation area management plans and any resulting proposed boundary changes contribute to the delivery of the Council's priority of keeping Maidstone Borough an attractive place for all	Rob Jarman, Head of Planning & Development

<b>Risk Management</b>	There are no specific impacts or issues	Rob Jarman, Head of Planning & Development
<b>Financial</b>	<p>There will be minor costs of approximately £1,500 to £2,000 in relation to the proposed adoption of a revised Conservation Area boundary in Linton but these can be absorbed within 2017/18 budgets.</p> <p>Whilst there is no budget for the work to extend Boughton Monchelsea Conservation Area boundaries it can be profiled within the Service Plan for Heritage, Landscape and Design in 2017/18.</p>	Rob Jarman, Head of Planning & Development and Mark Green, Section 151 Officer
<b>Staffing</b>	<p>The completion of the recommendations of these studies is dependent upon the appointment of a replacement full time Principal Conservation Officer following the Planning Transformation Review.</p> <p>Options for community involvement will be explored to help progress the proposed extension of Boughton Monchelsea Conservation Area boundaries.</p>	Rob Jarman, Head of Planning & Development
<b>Legal</b>	There are no specific impacts or issues	Estelle Culligan, Interim Head of Legal Parentership
<b>Equality Impact Needs Assessment</b>	There are no specific impacts or issues	Anna Collier, Policy & Information Manager
<b>Environmental/Sustainable Development</b>	The recommendations of this report help fulfil the Council's duty under Section 71 of the Planning (Listed Buildings and Conservation areas) Act 1990	Rob Jarman, Head of Planning & Development
<b>Community Safety</b>	There are no specific impacts or	Rob Jarman,

	issues	Head of Planning & Development
<b>Human Rights Act</b>	There are no specific impacts or issues	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	All relevant regulation and procedure rules were met in appointing a consultant heritage specialist to undertake this work	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
<b>Asset Management</b>	There are no specific impacts or issues	Rob Jarman, Head of Planning & Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Boughton Monchelsea Conservation Areas Management Plan Report- Cock Street, The Green and The Quarries,
- Appendix II: Boughton Monchelsea Conservation Area Photographs
- Appendix III: Boughton Monchelsea The Green- Proposed Boundary Alteration Plan
- Appendix IV: Boughton Monchelsea The Quarries- Proposed Boundary Alterations Plan
- Appendix V: Linton Conservation Area – Proposed Boundary Alterations Report
- Appendix VI: Linton Conservation Area- Proposed Boundary Alterations Plan

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## 9. BACKGROUND PAPERS

None



**COCK STREET, THE GREEN and  
THE QUARRIES  
CONSERVATION AREAS  
BOUGHTON MONCHELSEA  
MANAGEMENT PLAN**



**Drury McPherson** Partnership  
*Historic environment policy and practice*

**January 2015**

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Draft Assessment Criteria for Local Listing

Photographs

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# 1 INTRODUCTION

## 1.1 Conservation Areas

- 1.1.1 Conservation areas are areas of ‘special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’<sup>1</sup> and were introduced by the Civic Amenities Act 1967. Designation imposes a duty on the Council, in exercising its planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area<sup>2</sup>. In fulfilling this duty, the Council does not seek to stop all development, but to manage change in a sensitive way, to ensure that those qualities that warranted designation are sustained and reinforced, rather than eroded.
- 1.1.2 Planning permission is required for a wider range of works within conservation areas than is the case outside them, including the demolition of unlisted buildings. However, it does not control all forms of development. Some changes to family houses (known as “permitted development”) do not normally require planning permission. These include minor alterations such as the replacement of windows and doors, or the alteration of boundary walls. The Council may withdraw “permitted development rights” under an *Article 4 direction*, where this is deemed necessary to protect the character or appearance of the area. The result is that planning permission is required for the works specified in the direction.<sup>3</sup> The Council must also be notified of any proposal to lop or fell trees above a certain size.

## 1.2 The purpose of the Conservation Area Management Plan

- 1.2.1 The management plan sets out a framework for conserving, enhancing and managing development in Maidstone Borough Council's three Boughton Monchelsea conservation areas, to ensure that they retain the special qualities that justified their designation. The plan helps to fulfil the Council’s duty under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to prepare proposals for the preservation and enhancement of conservation areas.

## 1.3 Relationship to the adopted Conservation Area Appraisals (CAAs)

- 1.3.1 The management plan is based on the conservation area appraisals for the three designated areas in Boughton Monchelsea, prepared and adopted by the Council in 2008 and 2009. These define the qualities that contribute to each area’s special interest. They set out the history and development of each place and analyse its appearance and character, describing significant

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<sup>1</sup> Planning (Listed Buildings and Conservation Areas Act) 1990 s.69

<sup>2</sup> *ibid*, Section 72

<sup>3</sup> Replacement Appendix D to Department of Environment Circular 9/95 (November 2010), DCLG

features in the landscape, important buildings and spaces, and historic associations.

- 1.3.2 The appraisals identify and evaluate the relative heritage significance of each area and its component parts to provide benchmarks against which the effects of proposals for change can be assessed. They also identify problems and potential threats to the special character of each area. The management plan explains how the areas will be managed. It sets out the statutory, administrative and procedural mechanisms for doing so, specific objectives for their conservation and enhancement; and offers practical advice for owners and occupiers.

## 2 CURRENT PLANNING POLICY

### 2.1 Planning policy framework

- 2.1.1 The legal basis for conservation areas is the *Planning (Listed Buildings and Conservation Areas) Act 1990*. National planning policy, for plan-making and decision-making affecting designated heritage assets and their settings (as well as non-designated heritage assets) is set out in the *National Planning Policy Planning Framework* (NPPF),<sup>4</sup> published in March 2012, supported by the *Planning Practice Guidance* (PPG) published (online) in March 2014<sup>5</sup>.
- 2.1.2 The NPPF and PPG set out the criteria against which applications for development (planning permission), within the conservation areas, will be determined by the Council.
- 2.1.3 There are numerous listed buildings within the conservation areas. Listed building consent (LBC) is required for all works affecting their special architectural or historic character,<sup>6</sup> both internal and external, whether or not a particular feature affected is specifically mentioned in the statutory list description. LBC is not normally required for routine (like-as-like) repairs, but may be required where such repairs could affect the special character of the building.
- 2.1.4 Listed building consent does not supersede the need to apply for planning permission. Where works or changes of use constituting development are proposed, planning permission must be sought in parallel with listed building consent.
- 2.1.5 The over-arching aim of NPPF is that there should be "*a presumption in favour of sustainable development*" (para. 14). One of the three dimensions of sustainable development is environmental and this includes "*protecting and*

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<sup>4</sup> *National Planning Policy Planning Framework*, Department of Communities & Local Government, 2012

<sup>5</sup> <http://planningguidance.planningportal.gov.uk/>

<sup>6</sup> *Planning (Listed Buildings and Conservation Areas Act) 1990*, Ch. II, Pt I, s.7ff.



*enhancing ... the built and historic environment"* (para.7). A core principle of the planning system is that it should *"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations"* (para. 17)

- 2.1.6 Conservation areas are "designated heritage assets". Therefore, they are subject to the national planning policy for such heritage assets and their settings, set out in Section 12 of the NPPF, *Conserving and enhancing the historic environment*. NPPF requires that decisions about whether change is acceptable should be based on the significance of the heritage asset. A full understanding of that significance is the first step in determining applications for development. For conservation areas this is set out in the relevant appraisal.
- 2.1.7 NPPF advises local planning authorities that: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."* (Section 12: para 132).
- 2.1.8 With regards to designation (or extension) of conservation areas, the NPPF states: *"When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest"* (Section 12: para 127).
- 2.1.9 The significance of the settings of heritage assets and the impact of development on them is recognised at para. 128 of the NPPF. It defines "setting" (at p56) as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral."* Development may affect the setting of a conservation area, for example, by intruding on views into or out of the designated area, or by altering the character or use of the landscape or townscape that surrounds it.

## **2.2 English Heritage guidance on conservation areas**

- 2.2.1 This management plan reflects English Heritage's guidance on the management of conservation areas, as contained in *Understanding Place: Designation, Appraisal and Management of Conservation Areas* (2011)<sup>7</sup>. Although it predates the publication of the NPPF and PPG, it is the most up-to-date

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<sup>7</sup> Available from English Heritage's website, [www.helm.org.uk](http://www.helm.org.uk)

detailed guidance available. The documents are currently "under revision", but no publication date is currently available.

- 2.2.2 English Heritage has recently consulted on three new *Historic Environment Good Practice Advice Notes*, addressing: (1) The Historic Environment in Local Plans; (2) Decision-Taking in the Historic Environment and (3) The Setting of Heritage Assets. At the time of writing publication of these notes is pending, subject to revision.
- 2.2.3 English Heritage has also produced guidance on *Local Heritage Listing* (May 2012). This includes suggested criteria for local listing, which have been used as the basis of the recommendations in this management plan. Locally listed buildings are those, which, while not meeting the criterion of national importance that would justify statutory listing, have special interest in the local context and meet criteria adopted by the local authority. In conservation areas, a local list can identify the unlisted buildings that make the most significant contribution to the character of the area. Local listing does not bring additional statutory controls, but will be taken into account by the Council when considering applications for development.

## 2.3 Local policy and guidance

- 2.3.1 A new Maidstone Borough Local Plan is in preparation. At the time of writing (November 2014), the consultation (Regulation 18) draft has been published. Draft Development Management Policy DM10 covers the conservation of the built and natural landscape. It states that:
- "... developers will ensure that new development protects and enhances the historic and natural environment, where appropriate, by incorporating measures to:*
- i. Protect positive historic and landscape character, heritage assets and their settings... from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development;*
  - ii. Avoid damage to and inappropriate development within or adjacent to: a. Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their settings..."*
- 2.3.2 The Council has adopted supplementary planning documents (SPD) and endorsed supplementary guidance documents (SG), including two design guides, which means that they will be taken into account in determining planning applications. Maidstone BC's *Residential Extensions Supplementary Planning Document* (SPD) (2005)<sup>8</sup> provides both general advice and specific guidance that in conservation areas, extensions should preserve or enhance the character of the conservation area" as described in the conservation

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<sup>8</sup> [http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0014/12074/Residential-Extensions-SPD-2009.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0014/12074/Residential-Extensions-SPD-2009.pdf)

area appraisal. The *Kent Design Guide* (SG) (2008)<sup>9</sup> includes detailed advice on how to design buildings in keeping with their historic context through the use of appropriate forms, massing, scale, materials and details, and emphasises the need for building to respond individually to the unique characteristics of each conservation area.

### **3 MANAGEMENT PROPOSALS FOR ALL CONSERVATION AREAS**

#### **3.1 Development management**

- 3.1.1 The Council will determine applications for development affecting the historic environment on the basis of the policy and guidance noted above, with the over-arching aim of conserving buildings that make a positive contribution to the character of the conservation areas and to their settings.
- 3.1.2 Buildings or sites which are assessed in Section III of each conservation area appraisal as making an "essential" or "positive" contribution to the character of the conservation area are "heritage assets" in the terms of the NPPF. Development that would cause substantial harm to their heritage significance will therefore engage the tests set out in paragraph 133 of the NPPF. Development causing less than substantial harm should be weighed against the public benefits of the proposal, as set out in paragraph 134. In line with the adopted conservation area appraisals, the Council will not normally consider such sites as appropriate for redevelopment.
- 3.1.3 Development of buildings or sites assessed as “neutral” will be expected to provide an enhancement over the existing situation. The redevelopment of sites/buildings identified as “negative” will be positively encouraged wherever possible. Such development must preserve or enhance the character or appearance of the conservation area, the heritage assets within it, and their settings. The form, scale and details of such development should be appropriate to and in keeping with its context; and conform to the design standards set out at the end of this document. This may require the relaxation of normal planning standards in some instances.

#### **3.2 Boundary changes**

- 3.2.1 The areas proposed as extensions have been evaluated against the statutory requirement that they should have special architectural or historic interest, NPPF guidance, (para.127), the general principles set out in the English Heritage guidance note and in the context of the special character and appearance of each conservation area, as defined in the appraisal.

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<sup>9</sup> [http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0010/25489/Kent-design-guide-2005-SG-2009.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0010/25489/Kent-design-guide-2005-SG-2009.pdf)



### **3.3 Local listing**

- 3.3.1 Unlisted buildings that make the most significant contribution to the character of the area have been identified, to form a draft local list for the conservation areas that the Council may consider adopting formally in due course. The description of the special architectural interest of each building given in the appraisal provides the justification for its proposed inclusion on the local list. (The Council's draft assessment criteria are appended at the end of this document.)

### **3.4 Reinstatement of architectural features**

- 3.4.1 The appraisals for each area recommend that consideration be given to a programme of reinstatement of lost architectural features and details, especially windows and doors, which make a positive contribution to the character and appearance of the conservation area. Relatively minor changes of this type can, cumulatively, have a significant detrimental effect. Therefore, when the opportunity arises, the Council will use its planning powers (including making Article 4 directions) to encourage the reinstatement of such features to enhance the character and appearance of a conservation area, and to provide appropriate advice to owners and occupiers.

### **3.5 Article 4 directions**

- 3.5.1 The Council will consider withdrawing specified "permitted development" rights by an Article 4 direction where it is considered that the exercise of those rights has harmed, or is likely to harm, the special character or appearance of a conservation area. The management proposals for each conservation area (below) include recommendations for Article 4 directions where appropriate.

### **3.6 Enforcement**

- 3.6.1 Unauthorised development may seriously harm the character of the conservation areas as well as causing other problems. The Council is therefore fully committed to using its powers to serve enforcement notices where expedient under Section 172 of the Town and Country Planning Act 1990 to allay breaches of planning control, and under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to listed buildings.
- 3.6.2 Buildings in such disrepair that they significantly, adversely affect the character of the conservation area may be subject to action by the Council to secure remedial works. Urgent Works Notices may be served on vacant buildings under Sections 54 and 76 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 require the owner to undertake specified works within 7 days of the notice, after which the Council may undertake the works and reclaim the costs from the owner. Listed Buildings repairs notices may require the owner to undertake full and permanent repairs to a listed building. Failure to do so may result in a compulsory purchase order. Notices under Section 215 of the Town and Country Planning Act 1990 can be served where the land or building is considered adversely to affect the amenity of its surroundings. Failure to comply is punishable by fine.

### **3.7 Highways and the public realm**

3.7.1 Kent County Council is responsible for highways.

### **3.8 Open spaces and greenery**

3.8.1 The village green at Boughton Green is the only public open space in the study area. It is the responsibility of Boughton Monchelsea Parish Council.

### **3.9 Trees in conservation areas**

3.9.1 All trees in conservation areas (defined as having a stem diameter of more than 75mm at 1.5m above ground level) are protected under Section 211 of the Town and Country Planning Act 1990, unless they are already subject to a Tree Preservation Order (TPO). The Council must be notified six weeks before any work to cut down or lop a tree, and the Council may respond by issuing a TPO.

3.9.2 Trees subject to a TPO should be retained. Work to such trees requires prior permission from the Council, unless they are dead or dying, in which case 5 days prior written notice must be given to the authority. Only where a tree presents an immediate risk of serious harm and work is urgently needed to remove that risk, may work be undertaken without notice to the Council and then written notice must be given as soon as practicable after that work becomes necessary. Work should only be carried out to the extent that it is necessary to remove the risk.

### **3.10 Design guidance**

3.10.1 The appraisals for each area identify the need for local design guidance, to help ensure that development enhances the conservation areas. The framework for design standards at the end of this management plan provides advice on how to design new buildings and extensions and adapt existing buildings, so that they are in keeping with the special character and appearance of the conservation areas, and on the recommended form and content of planning applications. *The Kent Design Guide* and the Council's *Residential Extensions SPD* will continue to be material considerations in the determination of planning applications.



## **4 MANAGEMENT PROPOSALS: COCK STREET**

### **4.1 Summary of special interest, as identified in CAA**

4.1.1 The special interest of the area is described at pp. 8-9 and 12-14 of the appraisal. It may be summarised as:

- The three fine, listed, timber-framed houses forming a group around the historic cross-roads
- The other historic buildings including 3 Park Lane (grade II) and the unlisted buildings associated with the agricultural origins of the settlement, notably the characteristically Kentish former oast houses
- The surviving rural elements in the setting of the conservation area

### **4.2 Current condition**

4.2.1 There have been few changes and no significant developments in or adjacent to the conservation area since the appraisal was adopted in 2009, but the principal issues identified then are still apparent. The heavy traffic that dominates the character of the area is recognised as unavoidable in the medium term, but the proliferation of road signage around the junction has seen little amelioration. The petrol station and its signage still dominate views into and out of the area to the east. Despite some changes, the car park of the Cock Inn continues to be an unsatisfactory feature at the heart of the area and a poor setting for the listed building. The site to the east of the barn and the Rivendale oast house are potential development sites. Most of the buildings appear to be in good condition.

### **4.3 Issues**

#### *Summary of issues*

4.3.1 The following have been identified as the key issues affecting the conservation area:

- Heavy traffic
- Loss of architectural detail
- Consideration of the need for an Article 4 direction to address such changes
- Poor quality of the surroundings of the Cock Inn
- Negative impact of the petrol station on the setting of the conservation area
- Potential new developments
- Future use of Rivendale oast house

4.3.2 The following have been identified as key opportunities for enhancement of the area:

- Traffic management to reduce the impact of the B2163 road
- Reduction in density of road signage

- Reinstatement of original architectural features
- Improvement of the setting of the Cock Inn

#### *Traffic*

4.3.3 The appraisal acknowledges that the volume of traffic will not reduce in the foreseeable future, but any opportunity to minimise its impact should be pursued in conjunction with Kent County Council. Efforts should be made to rationalise traffic signage, road markings, street lighting etc. and to avoid additional features of this type within the conservation area. Street furniture should be sited to avoid intruding on the setting of historic buildings or into views into or out of the conservation area.

#### *Loss of architectural detail*

4.3.4 1 and 2 Stone Cottages (Fig. 1) are identified as making a positive contribution to the character of the conservation area. Their architectural character has been diminished by unsympathetic changes, including unmatched replacement windows that are out of keeping with the 19th century character of the pair, alarm boxes and concrete roof-tiles. The Barn and The Oast (formerly agricultural buildings associated with Martins Farm) also have some uPVC windows inappropriate to their architectural character and to the setting of the listed farmhouse.

#### *Setting of Cock Inn*

4.3.5 The setting of the Cock Inn remains problematic (Fig. 2). The pub car park has been partly enclosed with low painted timber fencing since 2009, a considerable improvement, reducing the impression of a listed building surrounded by a sea of asphalt. However, the beneficial effect of the fence is diminished by the large new advertising signs that now hang from it and the treatment of the pub forecourt, which remains a featureless stretch of tarmac. The new "garden" area to the east of the pub is cluttered and chaotic. The facade of the pub itself is marred by security lights and alarms. Reducing the amount and size of the signage, removing clutter from the building and garden, and sensitive re-landscaping, would greatly enhance the setting of the pub and the conservation area as a whole.

#### *Petrol filling station, Heath Road*

4.3.6 The very large illuminated signs associated with the petrol station immediately outside the CA boundary (Fig.3) are very prominent in views into and out of the conservation area from the east, and detrimental to its character and appearance. As and when the opportunity arises, every effort should be made to reduce the visual impact of signage on this site, and/or to secure a use that is more sympathetic to the setting of the conservation area.

#### *New development*

4.3.7 No new development should be allowed that would intensify or extend the suburban housing to the west of the conservation area. No proposals for the Rivendale oast house site have been made since the lapsed approval for conversion in 1991. Its condition is unknown. If another application is

made, it is essential that the design of any scheme conserves the special architectural interest of the building and its setting. Its functional, agricultural character should be retained. The garden to the east of The Barn has not been proposed as a development site, but its form suggests that this could be a possibility in the future. Development is unlikely to be acceptable here, unless it clearly preserves or enhances the historic rural setting of the conservation area and the adjacent listed buildings, and reflects their agricultural character. Development with a suburban character would be unacceptable on either site.

#### *Rivendale oast house*

- 4.3.8 The Rivendale oast house (Fig. 4) has never been converted to residential or other use and is therefore one of an ever-smaller number of such buildings that survive in something like their original form. For this reason, it may be of greater heritage significance than was the case when the conservation area was designated in 1990. Its repair and conservation are a high priority. Its condition should be monitored by the Council and, if there is cause for concern, the owner should be asked to undertake appropriate remedial action. If necessary works are not undertaken, consideration should be given to serving an Urgent Works (Section 76) Notice, which can be served on an unlisted building within a conservation area, subject to the approval of the Secretary of State.

## **4.4 Summary of recommendations**

- 4.4.1 In order to conserve the architectural character and details that contribute to the special interest of the area, it is recommended that an Article 4 direction be made in respect of all of the unlisted dwelling houses in the conservation area. This would require that planning permission be sought to change windows, doors, chimneys, roof coverings; to paint or render brick or stone facades and to erect, alter or demolish a boundary fence or wall on frontages that face a highway, footpath or public open space.
- 4.4.2 When the opportunity arises, the Council will work with the owners of the Cock Inn to enhance its setting.
- 4.4.3 The Rivendale oast house is recommended for inclusion on the local list in due course. The Council will monitor its condition.

## **5 MANAGEMENT PROPOSALS: THE GREEN**

### **5.1 Summary of special interest**

- 5.1.1 The special interest of the area is described at pp.7-8 and 15-16 of the appraisal. It may be summarised as:
- The historic village centre, defined by the triangular green and surrounded by historic buildings, including houses and a variety of former workshops

and agricultural buildings associated with the industrial and agricultural history of the area.

- Six grade II listed buildings in the local vernacular style, dating from the 15th to 18th centuries
- A number of modest, unlisted buildings, mainly of 19th century date, with local vernacular features.
- The extensive use of locally quarried ragstone in buildings and boundary walls
- Mature trees and tall hedges

## **5.2 Current condition**

5.2.1 The conservation area and its buildings are mainly in good condition. The principal improvement since the appraisal was adopted in 2008 has been the repair and conversion of Kiln Cottages to residential use. The Albion PH, just outside the conservation area boundary, but under consideration for inclusion, has closed down. Work to extend and refurbish it (planning ref. MA/11/1939) is underway at the time of writing. There is an extant permission (MA/13/0028) for two new houses in its garden. An application (MA/14/0707) for the replacement of Wheelwrights, The Green, with two new houses was refused at appeal in November 2014.

## **5.3 Issues**

### *Summary of issues*

5.3.1 The following have been identified as the key issues affecting the conservation area:

- Loss of architectural detail, especially the inappropriate replacement windows in uPVC
- Consideration of the need for an Article 4 direction to address such changes
- CA boundary alterations
- Scope and design of new development

5.3.2 The following have been identified as key opportunities for enhancement of the area:

- Improvement to paving surfaces (ragstone gutters around Green, surfacing of paths)
- Re-instatement of original architectural features and details
- Removal of overhead cabling around the Green
- Improvements/rationalisation of road traffic signage and street lighting.
- Less formal treatment for the open space of The Green.



#### *Loss of architectural detail*

5.3.3 Of the buildings identified as making a positive contribution to the character of the area, Misty Cottage, The Green; Miraflores, Green Lane and its neighbour, 1 and 2 Green Lane Cottages, have uPVC replacement windows and/or doors, which are out of keeping with their 19th century character. Cart Lodge Oast is a 19th century oast house and associated buildings, converted into dwellings during the 20th century. (The southern range is currently outside the conservation area; its inclusion is considered below.) Its fenestration presumably replaces earlier utilitarian details, but its replacement to a more sympathetic design would improve the appearance of this building and enhance the area. Lime Tree Cottage (listed grade II) has some poorly detailed modern windows; authentic replacements would be desirable.

#### *Boundary alterations*

5.3.4 The appraisal recommended that boundary alterations be considered in three areas: at Cart Lodge Oast, where the boundary runs through the building; at Green Lane, where it was recommended that the street itself and the Albion PH should be included, and to include part of Church Street.

5.3.5 The boundary at Cart Lodge Oast (Fig. 5) is illogical, since it includes only part of the 19th century oast complex that forms the "gateway" into the historic core of the area. The excluded south wing of the complex is the first historic building seen in views north-eastwards into the conservation area towards the Green and terminates the view westwards from Green Lane. As such, like the remainder of the complex, it would make a positive contribution if it were included within the conservation area.

5.3.6 The east-west boundary along Green Lane (Fig. 6), adjacent to the Old Cottage and Walnut Tree Cottage, runs along the north side of the road and may not include the property boundaries. Moving the CA boundary to the centre of the road, following the usual convention, would secure appropriate planning control over the treatment of property boundaries.

5.3.7 The Albion PH is of early-mid 19th century date. It is built mainly of yellow stock brick with small-pane sash windows and a slate roof. It is not in the local vernacular tradition, although it has a small outbuilding of local ragstone abutting Green Lane. Although the pub marks the edge of the historic core of the village, in terms of its date and architectural character, it belongs, with the early-mid 19th century "suburb" of Church Street, albeit as the most prominent building in the area (Fig. 7).

5.3.8 The northern end of Church Street includes a number of small 19th century terraces and houses. The least altered is the terrace adjacent to the pub, numbers 3-9, which is dated 1825, but most of its windows have been replaced with uPVC. However, the other 19th century terraces have lost



almost all their original features and they are interspersed with modern houses of little merit, for example, immediately opposite nos. 7 and 9.

- 5.3.9 As a result of alterations and the later infill, Church Street has neither consistent historic character nor special architectural quality. The Albion PH, whilst of some limited merit intrinsically, is part of the Church Street "suburb", contributes little to the special interest of the conservation area as defined in the appraisal and set out at 5.1.1 (above). Therefore neither is considered to meet the criteria for designation. (See also 2.1.8 above.) However, it is recommended that the Albion be added to the local list for its architectural interest and townscape value in the context of views into and out of the conservation area.

*New development*

- 5.3.10 The appraisal identifies two buildings on the Green as "negative" in their contribution to the area and, therefore, the Council will positively encourage their redevelopment. The building occupied by de Witt Floors is architecturally out of keeping with its context, but is in beneficial use and no proposals for its replacement have been made. The present buildings have relatively little impact on the wider street scene, because they are set back from the road and relatively low in height. Their replacement with a building or buildings on no more than the present footprint, that do not exceed the height or bulk of the present buildings, of an architectural form, appearance and materials in keeping with the historic character of the conservation area, and with a suitably treated setting, is likely to be acceptable (Fig. 8).
- 5.3.11 Proposals to redevelop the site between Old Farm House and Oak Tree Cottage known as "Wheelwrights" (Fig. 9) with two new houses on the taller than, and projecting forward from the line of the neighbouring buildings were turned down at appeal in November 2014, on the grounds that they would fail to preserve or enhance the character or appearance of the Boughton Monchelsea Conservation Area and the setting of adjoining listed buildings.
- 5.3.12 Although the present building on the site occupies a footprint similar to that shown on the late 19th century Ordnance Survey maps, its historic appearance is unknown. The negative impact of the present building is due mainly to the combination of its bulk and height, and its siting forward of the historic listed buildings beside it (whose ground floors are at a lower level. It is unlikely that any vernacular building of pre-20th century date would have exceeded the height of the substantial neighbouring houses. In light of the appeal decision<sup>10</sup>, therefore, in addition to being designed in keeping with its historic context, any new building here should be placed further back into the site and be lower in relation to its neighbours than the existing building, to reduce its overbearing effect and thus to enhance

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<sup>10</sup> Planning Inspectorate Appeal Ref: APP/U2235/A/14/2223961

the conservation area. Careful landscaping of the forecourt will also be important.

- 5.3.13 Laburnam Cottage (Fig. 10) is a 15th or 16th century timber framed house, originally of high status, listed grade II. It is prominent in Green Lane, marking the edge of the historic core of the village and the CA boundary. On the basis of a visual inspection from the street, the house appears to be structurally sound, but its front garden is very overgrown and, if unchecked, plant growth could damage the building. The street scene would be improved if a front boundary fence or wall were to be reinstated. The condition of the property should be monitored and, if it worsens, action should be taken by the Council to secure remedial action under the Planning or Building Acts.

#### *Historic and other surfaces*

- 5.3.14 The ragstone gutter (Fig. 11) surrounding the green is an unusual feature. It should be maintained and repaired. The asphalt paths across the Green are somewhat inappropriate and could be replaced in a more sympathetic "softer" less urban material such as bound gravel.

#### *Traffic signage*

- 5.3.15 A large reflective blue traffic sign (Fig. 12) dominates a key view identified in the appraisal, into and out of the conservation area along Beresford Hill. This feature is detrimental to the character and appearance of the area.

#### *Overhead cabling*

- 5.3.16 Overhead cabling is somewhat intrusive around the Green. The Council will encourage undergrounding of the cables, working with the relevant statutory undertaker, when the opportunity arises.

### **5.4 Summary of recommendations**

- 5.4.1 In order to conserve the architectural character and details that contribute to the special interest of the area, it is recommended that an Article 4 direction be made in respect of all of the unlisted dwelling houses in the conservation area. This would require that planning permission be sought to change windows, doors, chimneys, roof coverings; to paint or render brick or stone facades and to erect, alter or demolish a boundary fence or wall on frontages that face a highway, footpath or public open space.
- 5.4.2 It is recommended that the conservation area boundary should be amended as follows, to include:
- The whole of the Cart Lodge Oast complex
  - Green Lane to its centre line between Cart Lodge Oast and the east side of Laburnam Cottage
- 5.4.3 The Council should work with the highways authority to reduce the impact of road signage.

- 5.4.4 When the opportunity arises, the asphalt paths across the Green should be resurfaced in a more sympathetic material.
- 5.4.5 The condition of Laburnam Cottage to be monitored by the Council.
- 5.4.6 It is recommended that the following properties be included on a local list in due course:
- Garage/store (former soup kitchen), The Green
  - Lime Tree House
  - Ragstone Ridge and Burnell
  - Cart Lodge Oast
  - The Albion PH and outbuilding.

## **6 MANAGEMENT PROPOSALS: THE QUARRIES**

### **6.1 Summary of special interest**

- 6.1.1 The special interest of the area is described at p.12 and at p.20 of the appraisal. It may be summarised as:
- The distinctive and contained geographical character of the area, a deep bowl-like, partly man-made valley, reached by steep lanes, surrounded by mature and dense greenery
  - The group of historic buildings within this "hidden" valley, linked by their history and building materials
  - The extensive use of locally quarried ragstone in buildings and boundary walls
  - Two houses of outstanding architectural interest (Rock Cottage and Hart's House, both listed grade II\*), part of an important group of 16th century houses in the parish
  - The listed and unlisted, mainly 19th century, buildings associated particularly with the local quarrying industry
  - The character and extent of the green spaces between the buildings
  - The quarry "cliffs", which bound the conservation area to the north and south of the settlement and include the cut-through Iron Age earthwork to the south-west
  - The stone plaques on several of the buildings
  - The archaeological potential of the area formerly within the Iron Age *oppidum*.

### **6.2 Current condition**

- 6.2.1 There have been relatively few changes in the conservation area since the appraisal was adopted in 2009. A substantial new house has been built on

the plot east of Beresford Cottage, in a traditional style, partly faced with ragstone. There is one development site within the conservation area, with planning permission for a single new house (MA/13/1639). The site is well screened and the farm buildings formerly on the site did not contribute to the character or significance of the area. There are no other sites on which wholly new development is likely to be appropriate.

### 6.3 Issues

#### *Summary of issues*

6.3.1 The following have been identified as the key issues affecting the conservation area:

- Loss of architectural detail, especially the inappropriate replacement windows in uPVC
- Consideration of the need for an Article 4 direction to address such changes
- CA boundary alterations
- Stone boundary walls

6.3.2 The following have been identified as key opportunities for enhancement of the area:

- Reinstatement of lost, original architectural features
- Removal of overhead cabling (where feasible)
- Repair of stone boundary walls

#### *Loss of architectural detail*

6.3.3 The inappropriate replacement of windows, doors and other architectural features is not a major issue in the conservation area. The most visible opportunity for enhancement is Quarry Cottages (Fig. 13), identified as making a positive contribution to the area by virtue of its historic origins, but much altered in the 20th century by the removal of its chimneys, original windows and the addition of a lean to extension on the front elevation. Should the opportunity arise, it would be desirable to reinstate something more of its historic appearance.

6.3.4 Of the other buildings identified as making a positive contribution to the area, Honeymellow Springs, has uPVC windows that would benefit from replacement with traditionally detailed timber. However, while this house has historic origins as an ancillary structure to the maltings, it is substantially modern, and the uPVC windows do not appear to replace historic ones. Some of the timber sashes of the new cottages, Nos. 1-4 Bottlescrew Hill, (identified as neutral), have also been replaced with uPVC, detracting from the traditional appearance of the terrace, although these are most prominent in the northernmost cottage, which is outside the conservation area.

- 6.3.5 The windows of no.11 Bottlescrew Hill (listed grade II) have been replaced with timber sashes that do not match those to the rest of the terrace and its stone chimney-stack has been rendered. The appearance of the terrace would benefit for the reversal of these changes when the opportunity arises.
- 6.3.6 The unusual and distinctive stone plaques on several of the buildings, placed on buildings erected in the mid 19th century for the local landowner and former slave trader John Braddick, who lived at the now demolished Boughton Mount, should be protected.

*Boundary changes*

- 6.3.7 The 2008 appraisal identified the boundaries adjacent to Harts House and Beresford Cottage as illogical; they do not follow the property boundaries. Additionally, the Council has received representations from Mr S. Munford on behalf of Loose Valley Conservation Group, Boughton Monchelsea Parish Council, Boughton Monchelsea Amenity Trust and the Loose Swiss Scouts, requesting consideration of boundary extensions in five areas. These are: Forge Bungalows; Quarry Road; Rock House; the Iron Age camp and early quarrying works to the south-west of the present conservation area and the countryside to the west of the present conservation area (to adjoin the boundary of Loose Valley CA). In such a small and homogenous conservation area, any extension should, broadly, share and reinforce its existing special interest.
- 6.3.8 The plot on which the new house has been built to the east of Beresford Cottage is bisected by the conservation area boundary. The reason for this line is unclear. Prior to 1945, the property line ran north-south immediately to the east of Beresford Cottage and the new development here has restored this boundary. It would be more consistent if the CA boundary followed the property boundary either here, or to the east of the new house.
- 6.3.9 The ponds to the west of Harts House (Fig. 14), described in the appraisal (p.4) as "a defining feature of the area determining the change from excavated land to relatively open countryside", are part of the historic core of the settlement. Therefore extending the western boundary of the conservation area to the eastern end of the small valley containing the ponds, and including the late 19th century ragstone and brick Wood Cottage (Fig. 15), is justified and it would also better protect the setting of the grade II\* listed house.
- 6.3.10 Forge Bungalows (Fig 16) is a group of late 19th century buildings comprising two crudely-built single storey ranges, said to have been hop-pickers' dormitories,<sup>11</sup> now converted to cottages; and the remains of a large lime kiln, faced in ragstone. There was also a smithy on the site close to Bottlescrew Hill until the mid-20th century, now replaced with garages.

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<sup>11</sup> Submission to MBC from Mr. S Munford on behalf of Boughton Monchelsea Parish Council *et al.*

This site has some historic interest in the context of the industrial and agricultural history of the village, but such architectural significance that the hop-pickers' dormitories may once have had, even as rare survivors of their type, is now limited because of their conversion to residential use. The limekiln has been reconstructed as a non-functional garden "feature". Because the existing cottages are small and their outbuildings have no architectural merit, they could be subject to development pressure in the future, whether or not the boundary is extended. Including them within the conservation area would provide the opportunity to secure higher quality development here than might otherwise be the case.

- 6.3.11 Quarry Road leads east from the conservation area. Beyond Beresford Cottage, it comprises 20th century ribbon development interspersed with a small number of older houses. The hamlet c0.75km east of the conservation area boundary contains several listed buildings and some unlisted 18th or 19th century cottages of individual merit. This settlement is architecturally, topographically and historically distinct from the conservation area, and its buildings are predominantly of 20th century date. Between the conservation area and the hamlet, there is only one historic building (Fir Tree Cottage, listed grade II). Otherwise, the area consists of undistinguished 20th century suburban houses and gardens and, prior to the 20th century, it seems to have been largely undeveloped. Quarry Road is not of architectural or historic interest as a whole (Fig. 17) . For these reasons, an eastward extension of the conservation area would not be justified.
- 6.3.12 Rock House, Bottlescrew Hill (Fig. 18) is a substantial unlisted century house, dating from the late 1840s, overlooking, and visible from within, the conservation area. It is faced in ragstone and its garden is enclosed by a substantial ragstone wall, which is a prominent feature in the approach to the village from the north. The south and west elevations of the house have been altered. Its age, visual prominence and local materials could, however, justify its inclusion in the conservation area. The case for doing so would be greatly strengthened if further research revealed, for example, an historical connection with the local quarries.
- 6.3.13 The Iron Age camp is of considerable heritage significance and it has statutory protection in its own right as a scheduled ancient monument. It does not relate directly to the historic buildings or topography of The Quarries conservation area. Designation is intended principally to protect the historic built environment and, although this may include related landscape settings, "designation is not generally an appropriate means of protecting the wider landscape"<sup>12</sup>. Therefore, the proposal to designate the woodland and fields to the south-west and west of the conservation area,

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<sup>12</sup> *Understanding Place: Conservation Area Designation, Appraisal and Management* English Heritage 2010



which have no specific relationship to the core of the settlement or its buildings, is inappropriate.

#### *Stone walls*

- 6.3.14 Repair and maintenance of the stone boundary walls is normally the responsibility of the adjoining property owner. It should be undertaken like-as-like, using matching local stone and an appropriate mortar (see design guidance below). The condition of the ragstone walls is of particular concern in one location, opposite Boughton Mount Cottage, where a gap in the stone wall has been closed with inappropriate, modern, painted steel fencing (Fig. 19). This should be replaced with a stone wall.

#### *Overhead cabling*

- 6.3.15 Overhead cabling is somewhat intrusive around outside 1-11 Bottlescrew Hill. The Council will encourage undergrounding of the cables, working with the relevant statutory undertaker, when the opportunity arises.

### **6.4 Summary of recommendations**

- 6.4.1 In order to conserve the architectural character and details that contribute to the special interest of the area, it is recommended that an Article 4 direction be made in respect of all of the unlisted dwelling houses in the conservation area. This would require that planning permission be sought to change windows, doors, chimneys, roof coverings; to paint or render brick or stone facades and to erect, alter or demolish a boundary fence or wall on frontages that face a highway, footpath or public open space.
- 6.4.2 It is recommended that the conservation area boundary should be amended as follows, to include:
- Rock House and its garden
  - The whole garden of the new house adjacent to Beresford Cottage
  - Forge Bungalows, gardens and outbuildings
  - Land (including ponds and cottage) to the east of Harts House
- 6.4.3 It is recommended that Boughton Mount Cottage (Fig. 20) be included on a local list in due course.
- 6.4.4 Stone boundary and retaining walls should be maintained and repaired with appropriate traditional methods and materials.

## 7 FRAMEWORK FOR DESIGN STANDARDS

### 7.1 Introduction

- 7.1.1 Planning applications for building work within the conservation areas are most likely to be approved if the proposal is in keeping with its surroundings. These notes are intended to provide guidance for development (including extensions and alterations) within the three Boughton Monchelsea conservation areas. They apply principally to unlisted buildings that have been identified in the appraisals as making an essential, positive or neutral contribution to the conservation areas. They should be read alongside the general design advice of the *Kent Design Guide*.
- 7.1.2 Repair or renovation work should match the historic appearance and details of the building as appropriate. If historic details have already been replaced with modern ones, it is worth considering reinstating the missing historic features. This will not only improve the appearance of the area as a whole, but can increase the value of an historic property. Work to buildings that make a neutral contribution should provide an enhancement over the existing situation, for example, by the use of traditional local materials rather than standard modern ones, where appropriate.
- 7.1.3 Extensions and new buildings should respond sympathetically to their historic context. They need not imitate their historic neighbours, but rather they should reflect the size, massing, composition, materials and siting that characterise the particular place of which they will be a part.
- 7.1.4 Most of the historic buildings in the conservation areas are small; none has more than two storeys and attics. The two main architectural types are Kent vernacular buildings; mostly timber-framed, faced with earth, local red brick or weatherboarding, with red clay-tiled roofs; and later (largely 19th century) buildings of local ragstone or red brick, with slate roofs. Many buildings include elements of both traditions. The historic character of each area also derives from how its buildings are sited in relation to each other and to the settlement's layout, the spaces between buildings and their wider setting. Development that reflects these characteristics is most likely to be in keeping.

### 7.2 Making a planning application

- 7.2.1 All planning applications in England must be submitted in a standard format. The information that an applicant will need to provide and the relevant forms are available from the government's online *Planning Portal* (<http://www.planningportal.gov.uk>). For work in conservation areas and to historic buildings, more details will be required than for other applications. All planning applications for building work in conservation areas (and applications for listed building consent) must be accompanied



by a *Design & Access Statement* and, for large developments, a separate *Heritage Statement* may be required. Except for very minor works, it is always a good idea to seek specialist professional advice.

### **7.3 Design & Access Statements and Heritage Statements**

- 7.3.1 Design & Access Statements explain how the design of a development is suitable to its context, how it responds to the relevant planning policies, and that it is accessible to the people who will use the building, including those with disabilities. Heritage Statements describe the impact of the proposed work on the historic character of the building and its surroundings, and must justify any loss of heritage significance. For minor developments, the heritage statement may be part of the design and access statement; for larger schemes, in conservation areas and for listed building consent applications, it should be a separate document. In each case, the level of detail should be proportionate to the heritage significance of the building and the complexity of the application, but the statements should be as concise as possible.

### **7.4 Appropriate professional advice**

- 7.4.1 The Council encourages householders and developers to employ suitably qualified professionals when planning any substantial building work. Architects design new buildings, extensions and alterations. Their professional body, the Royal Institute of British Architects (RIBA) keeps a *Conservation Register* of members who have expertise in historic buildings. Building surveyors specialise in building repair and maintenance. Their professional body, the Royal Institution of Chartered Surveyors (RICS) provides *Building Conservation Accreditation* for appropriately experienced members. Other professionals who may sometimes be helpful are structural engineers, landscape architects, arboricultural (tree) consultants and archaeologists. Contact details for the relevant professional bodies are given at the end of this section.

### **Application drawings**

- 7.4.2 Proposed building works should be shown on accurate scale drawings, sufficiently detailed to avoid any uncertainty about the design or materials of the proposed works. For historic buildings and areas, drawings should show the site and buildings as existing and as proposed, with building plans and elevations at 1:100 at A1 and details at larger scales as necessary.

### **7.5 Design of new buildings and extensions**

#### *Siting, layout and form*

- 7.5.1 New buildings should complement, not overwhelm or intrude on their neighbours and reinforce the historic, informal layout and well-planted character of the conservation areas. Established building lines and the gaps

and views between buildings should be maintained and the settings of existing buildings should be preserved. Front gardens should not be given over to parking, which is better located discreetly to the side or rear. Garages and outbuilding should be small and discreetly sited. Surfaces should be predominantly soft rather than paved. Boundaries should be well defined, by low hedges, traditional stone walls or open fences. Buildings should follow traditional local architectural forms, avoiding shallow or flat roof pitches, and deep spans.

- 7.5.2 Extensions should be subsidiary to the original building. They will only be acceptable where there is enough room to build, without filling in gaps that contribute positively to the character of the area, causing significant loss of gardens or detracting from the setting of the original building. Extensions should be matching or harmonious, using traditional local architectural forms, materials and details. They should not be built on to the front or other principal elevations. Extensions that wrap around old buildings and modern "box" dormers will be resisted. Modern porches are inappropriate additions to historic buildings, especially on front elevations. Standard conservatory extensions may not be appropriate to traditional buildings.

#### *Size and scale*

- 7.5.3 New buildings should not exceed the two storeys typical of the area, nor the height or bulk of their neighbours. They should generally reflect the traditional typology of small single, semi-detached or terraced cottages. Larger, detached houses will be wholly exceptional and requiring proportionately large sites, of which there are few, if any, available.
- 7.5.4 Scale relies on the relationship between different elements of a design, such as the main building and an extension, or a part of the building and its windows and doors. Traditional buildings in the conservation area are relatively small in scale, with their larger elements, such as roofs relieved or broken up by smaller ones such as windows and chimneys. The elements should be simply designed. Non-traditional and applied decorative features should be avoided.

#### *Windows, doors and architectural details*

- 7.5.5 Historic or traditionally designed painted timber sash and casement windows and doors should be kept wherever possible. When they are beyond repair or it is otherwise necessary to renew them, they should be replaced as far as possible like-as-like, so that the appearance of the building remains the same. Stained hardwood, uPVC and aluminium windows are not appropriate to historic buildings. Where planning permission is granted for rooflights, they should usually be of the "conservation" type, that is, flush with the plane of the roof. New rooflights should be avoided on roof pitches that are visible from the public realm.

### *Materials*

- 7.5.6 New buildings and extension should generally employ the traditional local palette of facing materials: ragstone, soft red brick, and render (avoiding smooth hard cement finishes) or horizontal black or white weatherboarding for walls; and plain clay Kent peg tiles or natural slate for roofs. Modern materials, such as uPVC or other plastics (for windows, doors, fascias or gutters), stainless steel and aluminium, exposed blockwork and concrete, cement and other artificial tiles will not usually be appropriate externally in the conservation areas.

### *Brick and stone*

- 7.5.7 The correct type of repointing is vital to the conservation of historic brick and stone walls. Soft, lime-based mortar should be used rather than strong cement-based mixes. Pointing should not be removed mechanically as this can damage the masonry; if it cannot be removed with hand tools it should normally be left in place. New pointing should not overlap the brick or stone and should usually be finished flush or slightly recessed. Historic details such as tuck pointing (which is coloured to match the walls and highlighted with a line of lime putty) joints should be preserved or reproduced. Historic brick and stone work should not be painted.

### *Satellite dishes, micro-generation equipment etc.*

- 7.5.8 Equipment such as satellite dishes and photo-voltaic panels should not be located where it is visible from the street or public realm in a conservation area. Alarm boxes and security lights on such elevations should be avoided wherever possible.

### *Conversions*

- 7.5.9 Where the conversion of a traditional agricultural or industrial building to a new use is acceptable in principle, it should as far as possible preserve the historic form and appearance of the original structure. New openings should be kept to a minimum and visibly domestic details and decoration avoided.

## **8 IMPLEMENTATION & REVIEW**

### **8.1 Adoption**

- 8.1.1 The Council will adopt this management plan as Supplementary Planning Guidance. It will then be a material consideration in the determination of planning applications.

### **8.2 Review**

- 8.2.1 The conservation area appraisals and management plan will be reviewed on a cyclical basis, and appropriate amendments will be made to reflect changing circumstances. A comprehensive photographic survey will be

undertaken every four years in order to monitor changes and identify unauthorised works.

## USEFUL INFORMATION

English Heritage, Eastgate Court, 195-205 High Street, Guildford GU1 3EH  
T: 01483 252000 Email: [southeast@english-heritage.org.uk](mailto:southeast@english-heritage.org.uk)

Kent County Council (Heritage Conservation Group) Invicta House, County Hall,  
Maidstone ME14 1XX. T: 03000 41 33 58  
Email: [heritageconservation@kent.gov.uk](mailto:heritageconservation@kent.gov.uk)

Maidstone Borough Council (Heritage, Landscape & Design), Maidstone House,  
King Street, Maidstone, Kent, ME15 6JQ. T: 01622 602340  
Email: [customerservices@maidstone.gov.uk](mailto:customerservices@maidstone.gov.uk)

## Professional Bodies

The Arboricultural Association, The Malthouse, Stroud Green, Standish,  
Stonehouse, Gloucestershire GL10 3DL T: +44(0)1242 522152 Email:  
[admin@trees.org.uk](mailto:admin@trees.org.uk)

Institute for Archaeologists, Miller Building, University of Reading, Reading RG6  
6AB. T: 0118 378 6446 Email: [admin@archaeologists.net](mailto:admin@archaeologists.net)

Landscape Institute 33 Great Portland Street, London W1W 8QG T: +44 (0)20  
7299 4500 Email: [mailto:mail@landscapeinstitute.org](mailto:mailto:mail@landscapeinstitute.org)

Royal Institute of British Architects 66 Portland Place, London W1B 1AD T: +44  
(0)20 7580 5533 Email: [mailto:info@inst.riba.org](mailto:mailto:info@inst.riba.org)

Royal Institution of Chartered Surveyors, RICS Contact Centre, Surveyor Court,  
Westwood Way, Coventry CV4 8JE T: +44 (0)870 333 1600  
Email: [mailto:contactrics@rics.org](mailto:mailto:contactrics@rics.org)

The Institution of Structural Engineers, International HQ, 47-58 Bastwick Street,  
London, EC1V 3PS, United Kingdom Tel: +44 (0)20 7235 4535  
; <http://www.findanengineer.com/>

## Design and Access Statements

[http://webarchive.nationalarchives.gov.uk/20101121172431/http://cabe.org.uk/  
files/design-and-access-statements.pdf](http://webarchive.nationalarchives.gov.uk/20101121172431/http://cabe.org.uk/files/design-and-access-statements.pdf)

## APPENDIX

### **Maidstone Borough Local List:** draft assessment criteria for local listing

Maidstone borough has thousands of buildings and structures which reflect the past of the area and contribute to the special character of the immediate vicinity. Many of these have not been identified by the Government as nationally significant and designated as “listed buildings”. However, Maidstone Borough Council keeps a Local List of buildings and structures which have local heritage importance.

The purpose of the Local List is to identify these heritage assets in order to take action as far as possible to preserve them. The Local List is advisory only and does not provide the Council with additional powers. The fact that a building is on the Local List is a material consideration when assessing a planning application in order to encourage the proposal to pay special regard to:

- Preserving or restoring features which contribute to the building’s character,
- Maintaining its scale and proportions,
- Preserving its setting, and
- Using appropriate materials.

Encouraging sensitive development of locally listed buildings helps preserve the borough’s unique character.

To be added to the Local List, a building should satisfy at least two of the following criteria:

#### **Architectural significance – A building or structure which is valued locally for its design**

This includes design qualities typical of Maidstone borough as well as buildings by locally or nationally important architects, engineers or builders.

#### **Historic significance – A building or structure which is associated with an important local or national event or person**

Buildings in this category should be well-documented for their relationship with the event or person.

#### **Community significance – A building or structure which is valued by the local community for its social history**

This includes buildings considered important for community cohesion such as schools, churches, public buildings, and leisure structures.

#### **Environmental significance – A building or group of buildings which contributes positively to the local townscape or landscape**

Such structures can include local landmarks and buildings which “arrest the eye” as well as those which contribute to the skyline or otherwise “complete the whole”.

**Authenticity – A building or structure which is in a reasonable state of preservation**

Buildings or structures should be substantially unaltered, retaining the majority of their original features.



BOUGHTON MONCHELSEA  
CONSERVATION AREAS MANAGEMENT PLAN  
PHOTOGRAPHS 1014



Figure 1: 1 and 2 Stone Cottages



Figure 2: Setting of the Cock Inn





Figure 3: Petrol filling station, Heath Road



Figure 4: Rivendale Oast House



Figure 5: Cart Lodge Oast; (gabled brick range to left is currently outside the conservation area)



Figure 6: Green Lane, looking west





Figure 7: Albion Inn and Church Street



Figure 8: de Witt Floors site, Boughton Green



Figure 9: Wheelwrights, Boughton Green



Figure 10: Laburnam Cottage





Figure 11: Ragstone gutter, Boughton Green



Figure 12: Reflective sign, Bottlescrew Hill





Figure 13: Quarry Cottages

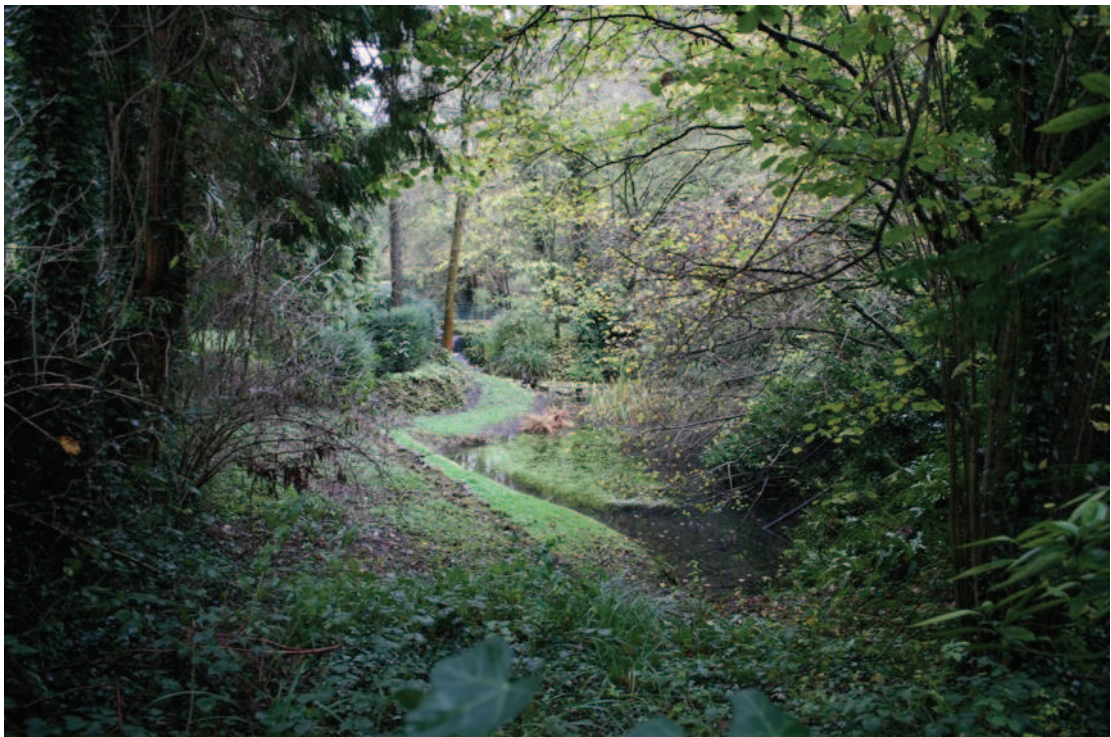


Figure 14: Ponds to west of Harts House





Figure 15: Wood Cottage



Figure 16: View towards Forge Cottages from the present CA boundary





Figure 17: Quarry Road looking west towards conservation area



Figure 18: Rock House





Figure 19: Modern steel fencing, The Quarries

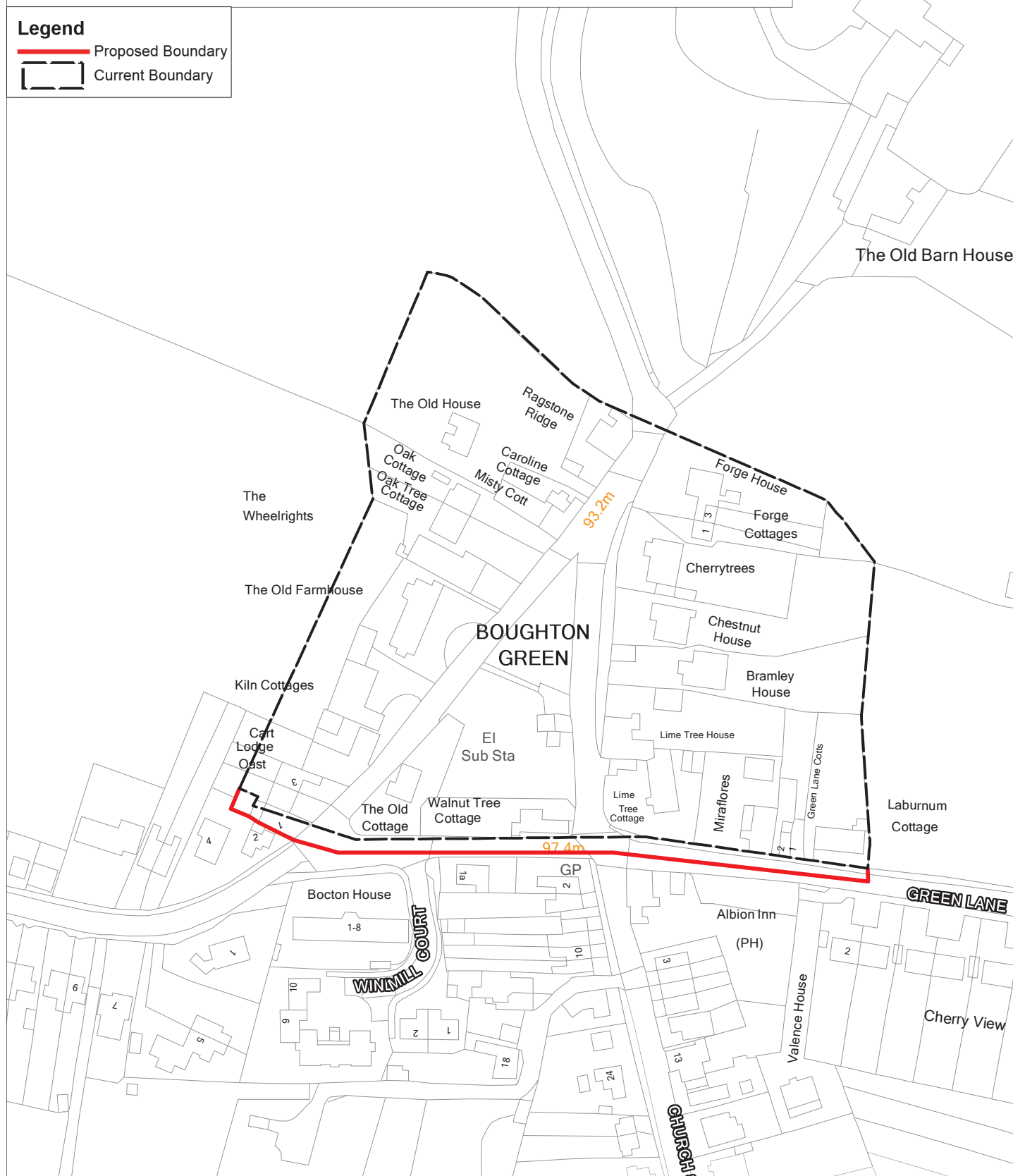


Figure 20: Boughton Mount Cottages

# Boughton Monchelsea, The Green Conservation Area

## Legend

- Proposed Boundary
- Current Boundary



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[illegible]

 Proposed Boundary  
 Current Boundary





# LINTON CONSERVATION AREA

## PROPOSED BOUNDARY ALTERATIONS



**FOR  
MAIDSTONE BOROUGH COUNCIL**

**Drury McPherson** Partnership  
*Historic environment policy and practice*

October 2016

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Map A: Linton Conservation Area - current boundary

Map B: Linton Conservation Area - proposed boundary

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# 1 INTRODUCTION

## 1.1 Commission

- 1.1.1 This report responds to the brief provided by Mike Parkinson of Maidstone Borough Council (MBC) to Drury McPherson Partnership (DMP) on 27 February 2015, for a survey of the area and a report on the desirability of designating extensions to the Linton Conservation Area. The scope of the report was set out in DMP's tender proposal dated 16 March 2015, and DMP was formally commissioned by the Council on the basis of that proposal on 23 December 2015. The report has been prepared by Michael Copeman, Associate, DMP.

## 1.2 Background and Structure of Report

- 1.2.1 Linton Conservation Area was designated in 1972 and certain boundary alterations are understood to have been made in 1974. The records relating to the designations are no longer available.<sup>1</sup> The existing boundary is shown on Map A.
- 1.2.2 The report has been prepared in the context of Maidstone Borough Council's *Linton Conservation Area Appraisal 2008* (CAA) and *Linton Conservation Area Management Plan 2010* (CAMP). The appraisal recommended that, in due course, consideration should be given to various changes to the conservation area boundaries, subject to further study and survey (CAA Section IV, p.22). It identified several areas for review, which were considered in more detail in the Management Plan (Linton CAMP - Section IV, p6 and maps 1A, 1B).
- 1.2.3 The additional areas recommended for potential designation included: Linton Park, its mansion house and associated estate buildings; the car park to the north of St Nicholas Church; the southern side of Wheelers Lane; the western part of Vicarage Field; the Old Forge and a strip of land to its north on the west side west of the A229; and Loddington House, with its adjacent former farm buildings. It was also recommended that some other minor changes should be made to rationalise the boundary to reflect current property lines or landscape features, including the de-designation of some small areas. These make up the study area.
- 1.2.4 The report assesses each of the areas recommended for inclusion as a 'character zone', summarising its overall character, its relationship with the existing conservation area and appraising the buildings within it, against the principles contained in the most recent relevant guidance published by English Heritage (now adopted by its successor organisation, Historic England)<sup>2</sup> and the Linton CAA and CAMP. In line with the 2008 Linton

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<sup>1</sup> *Linton Conservation Area Appraisal*, Maidstone Borough Council 2008:2

<sup>2</sup> *Understanding Place: Conservation Area Designation, Appraisal and Management*, English Heritage 2012

CA Appraisal, buildings and structures have been assessed according to the extent of their contribution to the character and appearance of the character of the Conservation Area. They have been graded as follows:

- *Essential* - buildings/sites which, because of their high historic or architectural interest or townscape function, must be retained.
- *Positive* - buildings/sites which make a positive contribution to the character and interest of the Conservation Area and whose retention should be encouraged wherever possible. Some buildings in this grade may have suffered from unsympathetic alteration, but could be restored to their original appearance relatively easily.
- *Neutral* - buildings/sites which do not harm the character of the area, but whose retention is not necessary.
- *Negative* - buildings/sites which harm the area's character and where redevelopment would be advantageous.

1.2.5 Those buildings or sites which are assessed as 'essential' or 'positive' will not be considered appropriate for redevelopment. Proposals for redevelopment of 'neutral' sites will need to provide an enhancement over the existing situation, and the redevelopment of sites/buildings identified as 'negative' will be positively encouraged wherever possible.

1.2.6 The survey also included a review of the remainder of the existing conservation area boundary. Apart from the alterations considered below, it was found to be appropriate.

### **1.3 Acknowledgements**

1.3.1 We are grateful to Linton Park plc and in particular to Ms. Rebecca Wragg, Estate Manager; and to Mike Parkinson, Conservation Officer, Maidstone Borough Council.

### **1.4 Sources and References**

1.4.1 The report is based on site visits in January and February 2016, archive research at the Kent Library and History Centre (KLHC) Maidstone and on published material.

## **2 CURRENT PLANNING POLICY**

### **2.1 National Planning Policy**

2.1.1 The legal basis for conservation areas, as it was when the CAA and CAMP were written, is the *Planning (Listed Buildings and Conservation Areas) Act 1990*. National planning policy for plan-making and decision-making affecting designated heritage assets and their settings (as well as non-designated



heritage assets) has since been completely revised. Current policy is set out in the *National Planning Policy Planning Framework* (NPPF),<sup>3</sup> published in March 2012, supported by the *Planning Practice Guidance* (PPG) published (online) in March 2014<sup>4</sup>.

- 2.1.2 The NPPF and PPG set out the criteria against which applications for development (planning permission), within the conservation areas, will be determined by the Council.
- 2.1.3 There are numerous listed buildings within the conservation areas. Listed building consent (LBC) is required for all works affecting their special architectural or historic character,<sup>5</sup> both internal and external, whether or not a particular feature affected is specifically mentioned in the statutory list description. LBC is not normally required for routine (like-as-like) repairs, but may be required where such repairs could affect the special character of the building.
- 2.1.4 Listed building consent does not supersede the need to apply for planning permission. Where works or changes of use constituting development are proposed, planning permission must be sought in parallel with listed building consent.
- 2.1.5 The over-arching aim of NPPF is that there should be "*a presumption in favour of sustainable development*" (para. 14). One of the three dimensions of sustainable development is environmental and this includes "*protecting and enhancing ... the built and historic environment*" (para.7). A core principle of the planning system is that it should "*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*" (para. 17)
- 2.1.6 Conservation areas are "designated heritage assets". Therefore, they are subject to the national planning policy for such heritage assets and their settings, set out in Section 12 of the NPPF, *Conserving and enhancing the historic environment*. NPPF requires that decisions about whether change is acceptable should be based on the effect on the significance of the heritage asset concerned. A full understanding of that significance is therefore the first step in determining applications for development. For conservation areas, this is set out in the relevant appraisal.
- 2.1.7 NPPF advises local planning authorities that: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable,*

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<sup>3</sup> *National Planning Policy Planning Framework*, Department of Communities & Local Government, 2012

<sup>4</sup> <http://planningguidance.planningportal.gov.uk/>

<sup>5</sup> Planning (Listed Buildings and Conservation Areas Act) 1990, Ch. II, Pt I, s.7ff.

*any harm or loss should require clear and convincing justification."* (Section 12: para 132).

- 2.1.8 With regards to designation (or extension) of conservation areas, the NPPF states: "*When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest*" (Section 12: para 127).
- 2.1.9 The significance of the setting of heritage assets and the impact of development on them is recognised at para. 128 of the NPPF. It defines "setting" (at p56) as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.*" Development may affect the setting of a conservation area, for example, by intruding on views into or out of the designated area, or by altering the character or use of the landscape or townscape that surrounds it.

## **2.2 Historic England guidance on conservation areas**

- 2.2.1 This management plan reflects the guidance published by English Heritage on the management of conservation areas, as contained in *Understanding Place: Designation, Appraisal and Management of Conservation Areas* (2011)<sup>6</sup>. Although this document refers to English Heritage and predates the publication of the NPPF and PPG, it is the current advice and guidance and will in due course be adopted by Historic England and revised. The same applies to the other documents mentioned below.
- 2.2.2 English Heritage also produced guidance on *Local Heritage Listing* (May 2012). This includes suggested criteria for local listing, which have been used as the basis for the recommendations in this management plan. Locally listed buildings are those, which, while not meeting the criterion of national importance that would justify statutory listing, have special interest in the local context and meet criteria adopted by the local authority. In conservation areas, a local list can identify the unlisted buildings that make the most significant contribution to the character of the area. Local listing does not bring additional statutory controls, but will be taken into account by the Council when considering applications for development. Maidstone Borough Council does not currently have a comprehensive local list, but hopes to develop one in due course.

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<sup>6</sup> Available from English Heritage's website, [www.helm.org.uk](http://www.helm.org.uk)

## 2.3 Local policy and guidance

- 2.3.1 A new Maidstone Borough Local Plan is in preparation. At the time of writing (February 2016), the draft plan is subject to consultation under Regulation 19. Draft Development Management Policy DM10 covers the conservation of the historic and natural landscape. It states that:

*"... developers will ensure that new development protects and enhances the historic and natural environment, where appropriate, by incorporating measures to:*

- i. Protect positive historic and landscape character, heritage assets and their settings... from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development;*
- ii. Avoid damage to and inappropriate development within or adjacent to: a. Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their settings..."*

- 2.3.2 The Council has adopted supplementary planning documents (SPD) and endorsed supplementary guidance documents (SG), including two design guides, which means that they will be taken into account in determining planning applications. Maidstone BC's *Residential Extensions Supplementary Planning Document* (SPD) (2005)<sup>7</sup> provides both general advice and specific guidance that in conservation areas, extensions should preserve or enhance the character of the conservation area" as described in the conservation area appraisal. The *Kent Design Guide* (SG) (2008)<sup>8</sup> includes detailed advice on how to design buildings in keeping with their historic context through the use of appropriate forms, massing, scale, materials and details, and emphasises the need for building to respond individually to the unique characteristics of each conservation area.

## 3 CHARACTER OF THE EXISTING CONSERVATION AREA

### 3.1 Introduction and Topography

- 3.1.1 The special architectural and historic character and appearance for which the Linton Conservation Area was designated are described in the 2008 appraisal. This section is intended only to highlight the key characteristics of the area to provide a context within which the character and appearance of the proposed extensions can be evaluated.

- 3.1.2 The present conservation area covers the village of Linton, a linear settlement centred on the Parish Church of St Nicholas and extending north- and south-wards along the main road between Maidstone and

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<sup>7</sup> [http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0014/12074/Residential-Extensions-SPD-2009.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0014/12074/Residential-Extensions-SPD-2009.pdf)

<sup>8</sup> [http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0010/25489/Kent-design-guide-2005-SG-2009.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0010/25489/Kent-design-guide-2005-SG-2009.pdf)

Cranbrook, now the A229. The topography of the area is dramatic. To the north of Linton, a ridge of high ground runs east-west. North of this is a plateau, now the southern urban fringe of Maidstone. The B2163 runs along this ridge on the northern boundary of Linton Park. The northern part of the park and the farmland to the west are relatively level, but some 750m to the south of the road is the edge of the escarpment, where the underlying geology changes from the greensand of the Maidstone Ridge to Wealden clay and the land falls away to the south and south-west. From its junction with the B2163, the A229 drops sharply into Linton Village and then descends more gently until it crosses the river Beult some 2km to the south of the village and continues into the Weald.

- 3.1.3 This landscape gives the village one of its most distinctive characteristics, with the church placed on a small promontory on the very edge of the scarp. Linton Park was designed to take advantage of the same natural features, and the mansion stands on the south-facing slope of the ridge, commanding long views across its park to the south and well beyond.

## **3.2 Archaeology**

- 3.2.1 There is relatively little known archaeology within the study area. The Kent HER<sup>9</sup> records 'ditches, hearth and pit' possibly dating to the late Iron Age, to the south of Heath Road. This may relate to the earthworks associated with Boughton Quarry Camp. There are no archaeological designations affecting the study area.

## **3.3 Historical Development**

- 3.3.1 The historic core of the village is close to the Parish church, which was in existence by at least the 13th century.<sup>10</sup> The earliest fabric is 14th century. It was restored and extended by RC Hussey in 1860. It is listed grade II\*. The whole village was historically part of the Linton estate<sup>11</sup> and its development has been closely linked to the estate and its owners since at least the medieval period. The mansion and its landscape park (a grade II\* Registered Historic Park and Garden) are to the west of the village, outside the conservation area.
- 3.3.2 The earliest maps of the village, from the late 18th century, show that the village houses were almost all on the west side of the road, with only the church, the almshouses to its north (founded in 1611 and rebuilt on the same site in the mid-19th century) and a park lodge, on the east side of the road. Thus from at least the 18th century, the Linton Park dominated not only the economy of the village, but also its layout. What had once been a nucleated settlement around the church had been forced to become a

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<sup>9</sup> Kent HER: ref. TQ 75 SE 149

<sup>10</sup> Hasted 1798

<sup>11</sup> Tithe Map 1841

linear scatter of cottages on the west of the road, while the parkland on the east remained undeveloped.

- 3.3.3 The 1841 Tithe award records the 5th Earl Cornwallis as owning a great majority of the land in the parish, as well as extensive property in the adjoining parishes; his Kent estate extended to over 13,500 (5,463 ha).<sup>12</sup> Understanding the history of the park is complicated by its administrative history. A strip of land to the south of Heath Road, outside the historic parkland, but including two lodges, lies in Loose parish. The eastern part (amounting to perhaps a third of the total area) was within a detached part of Maidstone parish<sup>13</sup>, until the boundaries were redrawn in the 1883.<sup>14</sup>
- 3.3.4 Most of the estate buildings within the present conservation area date from the second half of the 19th century, especially from the ownership of Fiennes Stanley Wickham Cornwallis MP (1864-1935). The earldom had become extinct in 1852 and he inherited the estate through the female line, following the death of the 5th Earl's daughter and heiress, Lady Julia Mann (Lady Holmesdale after 1866) in 1882. Not to be confused with the Earls Cornwallis, FSW Cornwallis was raised to the peerage in 1927 as Baron Cornwallis of Linton (i.e. of the second creation). His monogram may be seen on many of the estate cottages.
- 3.3.5 There is relatively little 20th century development along the main road. It was not until after the Second World War that the village expanded significantly, with the development of housing along the old Wheelers Lane that ran westwards from Linton Hill, and the local authority housing on a wholly new street that branched to its north, Cornwallis Avenue. Most new houses in the village since c1970s have replaced or converted existing buildings, and the extent of the built-up area has remained largely unchanged.

### 3.4 Architectural character

- 3.4.1 There are several early listed buildings in the village, including most notably the Old Vicarage of c1500 and the Bull Inn of c1700, but the old core of the village is very small and comprises little more than a scatter of buildings around the church. There are several other 17th and 18th-century houses in the area that have their origins as rural cottages or farmsteads, but Linton is essentially an estate village and its distinctive architectural character derives to a considerable extent from 19th century buildings associated with the Linton Park estate.
- 3.4.2 Apart from the Almshouses, the estate buildings are mainly to the south of

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<sup>12</sup> Cleggett 2010:51

<sup>13</sup> See OS map 1868-72

<sup>14</sup> Thornburgh, R. *The Boundary Stones Of The Parish Of Loose, Kent*, Loose Area History Society, 2004



the early village core by the church, and include Old School, School Cottage, Schools House of the period 1860-80, the Village Hall (1887) and numerous cottages. The estate buildings are notable for their consistent design. The use of the domestic gothic revival architectural style on the estate, derived from the work of architects such as Pugin and Butterfield, was established during the tenure of Lady Julia Mann between 1852 and 1882. It was characterised by ragstone walling, tall chimneys and gables with timber barge-boards. Examples include The Almshouses (probably the earliest), South Lodge (originally known as West Lodge) Keeper's Cottage and The Paddocks. A series of semi-detached cottages were built in the 1880s for F.S.W. Cornwallis, on Linton Hill and Wheelers Lane, each unit having a gable to the front and side and a gabled porch. The latest examples, 1-4 Redwall Cottages in Wheelers Lane of c1895, are plainer, with rendered brick walls, but continue in essentially the same style, with steep roofs, prominent gables and tall (here brick) chimneystacks.

### **3.5 Views**

- 3.5.1 The topography noted above means that views into and out of the present conservation area are important. There are long views from high points such as the church and through the gaps between the houses along the main road across the Weald to the south and south-west. To the east, Linton Park provides the village with an almost completely undeveloped, idealised countryside of undulating pasture and mature trees. In views from the west, the linear nature of the village is apparent, but the landscape is still dominant, with farmland in the foreground characterised by its traditional use for fruit-growing, and the designed parkland as its backdrop.

## **4 PROPOSED EXTENSIONS TO THE CONSERVATION AREA**

### **4.1 Character Area: Linton Park**

#### *Location*

- 4.1.1 This character area comprises Linton Park and its associated buildings and structures. The park occupies all the land to the east of Linton village, bounded by Linton Hill to the west, Loddington Lane to the east and a line some 100-150m south of Heath Road in the north. The northern boundary of the park changed slightly over the years, but had its origins in a route that formed the historic boundary between Loose and Linton Parishes. This was replaced in the early 19th century by the present road (when the northern section of Linton Hill was also straightened.) In 1841, an inn, the Star, stood at the northwest corner of the park, opposite a group of buildings on the site of the present Hill Top Cottages and Larchwood Grange. The park was extended to the northwest with a lodge and entrance at the junction of Heath Road and Linton Hill, presumably when the road was realigned in the early 19th century. The boundary of the Registered

Park and Garden (RPG) illustrates the extent of the park after this date.

- 4.1.2 The area suggested for inclusion in the conservation area includes all the land between the park and Heath Road with the exception of Linton Park School.
- 4.1.3 The mansion and the pleasure grounds that surround it are not accessible to the public, but the park is traversed by public footpaths. The most important of these is part of the long-distance 'Greensand Way'. This crosses the park just to the north of the house from St Nicholas's churchyard to Loddington Lane, by Loddington House. There are fine views from the footpath down the main avenue to the mansion and beyond into the weald. A second path runs from the point at which the Greensand Way crosses the northern avenue, to Linton Hill. A third path crosses the southern park, from Loddington Lane to Linton Hill, just to the north of the lake (see map 3).

#### *Historical Development*

- 4.1.4 The mansion is partly, but not wholly, on the site of an earlier house known as Capell's Court, about which little is known. It was recorded in the late 14th century as a seat of the family of the same name. It seems likely that the basic structure of the designed landscape was first laid out when the core of the present house was built in the 1730s for Robert Mann. Until at least the mid-17th century, there was another estate, called Loddington, occupying much of what is now the southern part of the park, with a house at its centre.<sup>15</sup>
- 4.1.5 Its architect of the 18th-century house is unknown. It was of two storeys and seven bays, and is incorporated in the central block of the present mansion. The entrance hall is still recognisably of the 1730s, along with interior details in some of the other ground floor rooms.
- 4.1.6 The earliest known map of the park is Andrews and Drury's 1769 map of Kent.<sup>16</sup> The scale is small, but it shows a building called Linton Place (as it was known until the 20th century), roughly square in plan, on a similar site to the present mansion, with a large and complex formal garden to its south. There was a large service court to the north east of the house. The beech avenue running northwards on the axis of the house is clearly shown, and the park then lay mainly to the north of the house, although the map suggests that it was quite heavily wooded to the west of the avenue. The avenue has been dated to c1755. There was a small area of open parkland to the south of the formal gardens. On the eastern boundary of the service court and formal gardens was a road running north-south which may coincide with the historic parish boundary between Linton and Maidstone

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<sup>15</sup> Colvin & Moggeridge 2002:7

<sup>16</sup> KHS ref. [EK/U20/1](#)

parishes. To its east there are other structures or buildings, possibly the home farm.

- 4.1.7 Hasted's 1796 *History of Kent*<sup>17</sup> includes another small-scale map. It shows Linton Place at the centre of a park more or less of the size and shape that it is today, so it seems to have been laid out in the second half of the 18th century. The map shows a second avenue running westwards from the house and, although the map cannot be taken as topographically accurate, there was certainly an elm avenue from the house to the church in the 19th century, which may have been planted in the 18th century.<sup>18</sup> It was replaced with *Wellingtonias* in 1864.<sup>19</sup> The road to the east of the house is still shown, but may have been disused by this date.
- 4.1.8 The kitchen garden is identifiable as an enclosure on the 1801 Ordnance Survey Surveyors drawings.<sup>20</sup> The surviving red brick walls (they are incomplete) with ramped ends appear to date from the later 18th or very early 19th century. The ice-house (listed grade II) is also of the late 18th century. It is a very large example of the type, a brick-lined underground chamber, insulated by the earth with which it is covered. It is unusually deep, at c8m, and spheroidal in shape. It has a vaulted brick entrance passage to the south-west, and one brick is inscribed J.E. 1788.

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<sup>17</sup> Hasted, E. *The History and Topographical Survey of the County of Kent: Volume 4* Canterbury, 1798, at: <http://www.british-history.ac.uk/survey-kent/vol4/pp365-371>

<sup>18</sup> RPG List Entry

<sup>19</sup> *ibid.*

<sup>20</sup> *ibid.*





Figure 1: Part of wall to former walled garden



Figure 2: Ice-house

4.1.9 Two other structures in the park may date from the late 18th century. A small Gothick folly, of rendered brick, terminates the grassed North Walk,

just to the south-east of the churchyard. It has three openings with pointed arches and pinnacles at its corners. A stone sundial attributed to Thomas Wright (1711-86), formerly with metal dial (now lost) set on a vase pedestal with ionic capital, stands to the south of the house. Both of these features are listed grade II. Neither is shown on any of the early maps. The sundial may have originated in another location, as it is now a feature of the early 19th century garden design.



Figure 3: Gothick folly at west end of the North Walk

4.1.10 In 1814, the estate passed to Rev. James Cornwallis, Bishop of Lichfield, who commissioned Thomas Cubitt in 1821, or 1822, to extend the house. The Bishop succeeded his brother as fourth Earl Cornwallis in 1823, but died the following year. The fifth Earl Cornwallis, also James, retained Cubitt and the house was greatly extended to the designs of Thomas and his younger brother William. The central block was raised to its present three storeys, the east and west wings and south portico added and the exterior was stuccoed, to give the house its present, austere neo-classical character. The principal interiors date from the 1825-30, in the Louis XVI Revival style and include an antechamber with an elaborately painted ceiling. The house is listed grade I.<sup>21</sup>

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<sup>21</sup> Statutory List Entry





Figure 4: Linton Park house from the south-east

4.1.11 Several buildings associated with the mansion were built at this period. The Stables (listed grade II) are now garages. They are of painted brick with a slate roof, composed as three pedimented pavilions with lower linking ranges; the central block taller, with a clock- and bell-tower. In front, to the west of the stables is a paved yard with stone setts.



Figure 5: Stable block

4.1.12 The North Lodge (listed grade II) is a single-storey, stuccoed building with a slate roof, on a cross plan with a prominent central chimney-stack. This lodge went out of use when a new entrance was made in the 1860s by the junction of Linton Hill and Heath Road (with a new lodge, now demolished). This remained in use until c1938, but by 1946<sup>22</sup> the 19th century entrance, between prominent gate-piers to the west of North Lodge, had been reinstated. It is not known when the gate piers were removed and the present entrance created.

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<sup>22</sup> Country Life 1946:581



Figure 6: North Lodge

- 4.1.13 The unusual laundry, now much altered and converted to residential use as White Lodge, is also of this period. The plain, much-altered house now known as East Lodge, although it never seems to have related to a driveway, also dates from the time of the 5th earl. It is stylistically consistent with the other buildings of similar date on the estate and it is shown (as is the laundry) on a sketch plan of the park dated 1852.<sup>23</sup>
- 4.1.14 The same 1852 plan is notable for its clear delineation of the park boundary, which runs westwards from the north of East Lodge, and turns north to Heath Road on a line just to the west of what are now Wyckham Cottages.

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<sup>23</sup> KHLC U24/P30 (plan showing water supplies in Linton Park, drawn by John Robson)





Figure 7: East Lodge

4.1.15 As well as extending the house, the earl invited the eminent garden designer and horticultural writer John Claudius Loudon (1783-1843) to visit Linton and make proposals for the improvement of what was still a relatively modest late-18th-century landscape park. The present layout of the park and gardens was based on a report he wrote after his visit<sup>24</sup> and it seems probable that he continued to advise on their development in the 1830s. The structure of the pleasure gardens and a number of surviving features in the park can be associated with his proposals.

4.1.16 Of equal or even greater significance in the evolution of the pleasure grounds was John Robson, the head gardener from c1849 until his death in 1876. In 1858, Robson was instructed by Lady Julia to design and plant hugely elaborate new ornamental gardens, which he developed during the following two decades within Loudon's framework.<sup>25</sup> Linton became one of the most notable mid-Victorian country-house gardens, including spectacular floral show-pieces intended to be seen from the house, walks, a pinetum, avenues, a croquet lawn and extensive fruit, vegetable and nursery gardens to supply the needs of the house and estate. Although much of the 19th century planting was abandoned and the structure of the garden eroded during the 20th century, Robson wrote - and was written about - extensively, in influential contemporary periodicals, principally the *Journal of*

<sup>24</sup> Loudon JC, *Remarks on the Improvements proposed to be made at Linton Place*, London. 1825

<sup>25</sup> Morgan J., Richards A, 1990:156

*Horticulture* in 1859, 1861 and 1866.<sup>26</sup> Moreover, a series of labour account books (in effect, day-to-day records of Robson's garden management) survive from the period 1864-1873,<sup>27</sup> which gives a detailed picture of the garden and estate. As a result, considerably more is known about the evolution of gardens during the later 19th century than is usually the case, adding greatly to its heritage significance and providing the basis for its restoration.

- 4.1.17 The estate is shown in detail on the 1841 Tithe Map and award. There was nothing within the park identified in as a farmstead, suggesting that the whole park was treated as such; that is to say, lightly grazed, but maintained primarily for its visual qualities rather than its agricultural value. The map shows cottages in many of the same locations as exist today in the village, so it appears that almost all the extant estate cottages replaced or rebuilt existing ones.
- 4.1.18 It is clear from the 1841 map that some, but not all, of Loudon's garden proposals had been carried out. They include elements of the semi-formal gardens to the south of the house, where grass terraces are shown flanking a central axis that lacks the extant (listed) steps. To the east is the south-sloping lawn, enclosed by beds and serpentine paths, with the present axial path and fountain basin, and the ha-ha beyond it.
- 4.1.19 The present extent of the southern part of the park derives from Loudon, who recommended that the boundary of the park be moved eastwards to Loddington Lane by removing the old roads that ran through it (see above) and establishing the lake (called Castle Pond on the tithe map) and the adjacent blocks of woodland be established. The map shows a drive to the south entrance on Linton Hill, although the present lodge building is a later 19th century replacement. Loudon's proposals also included planting to the west of the (north) avenue including the sweet chestnut plantation and shrubs in diamond fencing to its south.
- 4.1.20 Other features may derive from Loudon's advice, but have been created later. He advised on planting conifers in 1825, and a Pinetum containing many rare and newly imported species was well established by 1861 (however, among its most notable trees are two *Wellingtonias* (Giant Sequoia), a species that was first introduced to Britain only in 1853. An orangery, which was described in 1859 as a 'roundish' structure, may have been Loudon's design.<sup>28</sup> It was replaced by a cast iron conservatory or Winter Garden with a cruciform plan on the south side of the walled garden in 1864.<sup>29</sup>

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<sup>26</sup> Sell, Wade, Postins, 1988:8, 9

<sup>27</sup> KLHC U24/A7-A12

<sup>28</sup> Sell, Wade, Postins, *op cit*, 1988:10

<sup>29</sup> Cleggett 2010:52

- 4.1.21 The ornamental gardens were extended to the west c1864-6 and various other features were added, following the marriage of Lady Julia Mann to Lord Holmesdale in 1862. The amphitheatre west of the house was formed at around this date, as were Robson's schemes of planting including the Rosery, Basket and Dutch gardens<sup>30</sup>, all of which featured formal flower beds in complex shapes that were planted with annuals in varying themes of colour and effect from year to year.
- 4.1.22 By the date of the 1869 Ordnance Survey map, the park had been slightly reconfigured. The northern boundary followed the old parish boundary with Loose, except to the north-west, where it extended as far as Heath Road. The new entrance had been established in the extreme north-west corner of the park, with the new lodge. The drive to old North Lodge (listed grade II) had been abandoned. A second drive led to the South Lodge (then known as West Lodge). Two small buildings are shown at the junction of Loddington Lane and Heath Road. Stone House and a row of very small cottages to its east (rebuilt as 3-6 Wickham Cottages in the 1930s) are shown on Heath Road.
- 4.1.23 The map shows a 'rifle range' or butts in the park to the south-west of the mansion, aligned diagonally from north-west to south-east with a target at the south-east end. Its primary purpose seems to have been for the enjoyment of house-guests. Possibly associated with this is a grass platform, now surrounded by a ring of small trees with a cylindrical stone post or 'obelisk' at its centre and a semi-circular stone cill with a radius embedded in the ground c3m from the post. The post has a lead-lined socket in its top, evidently to mount some sort of equipment. It may have been a telescope used for target spotting. It was been suggested that it is the remains of an observatory,<sup>31</sup> but its location, and the absence of any sort of enclosure makes this unlikely; it is not shown on the Ordnance Survey maps.

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<sup>30</sup> *ibid*

<sup>31</sup> RPG List Entry 2015:4





Figure 8: Stone post in woods to the west of mansion

4.1.24 By 1869, the north side of the walled garden was a complex of outbuildings, sheds and greenhouses. These may have incorporated some farm buildings, but, as in 1841, there does not seem to have been a home farm in the usual sense of a dedicated farmstead within the park. To the north of these buildings is an orchard. To the east of the walled garden was the head gardener's cottage, a 'brand new four-bedroom house' built in the early 1860s for Robson,<sup>32</sup> now replaced by Cuckoo Fields house. To the south-west, between the head gardener's cottage and the walled garden, two buildings are shown aligned at an angle to the other structures in the area, facing several small enclosures, suggesting uses as a kennels or piggery; or possibly even a poultry yard, since Lady Holmesdale was an enthusiastic breeder and exhibitor of poultry.<sup>33</sup> The northernmost of these occupies the same site as, but does not exactly coincide with the plan of, the extant building.

4.1.25 By the date of the next Ordnance Survey in 1896-8, the house and park may be regarded as being at the height of their development. Keepers Cottage and The Paddocks are present, and the pair of red-brick cottages, now 1-2 Wyckham Cottages, on Heath Road had been built. The whole northern part of the park is wooded, with only the driveway to the north-west lodge and its borders demarcated as 'parkland'. A line of new glasshouses is shown running east-west within the walled garden.

<sup>32</sup> Morgan J, Richards A, 1990:222

<sup>33</sup> Clegget 2010:153-4



Figure 9: The Paddocks



Figure 10: Keeper's Cottage

- 4.1.26 By this date only one building is shown in the area between the walled garden and the head gardener's cottage; it appears to be the extant structure, known since at least the late 20th century as the 'potting shed'<sup>34</sup>, although it seems improbably large for this purpose, and there were other potting sheds to the north of the present walled garden. It has three short, parallel gabled ranges, those to each end of a single storey and the central one of two storeys. They were evidently originally linked with lower 'M'-roofed structures (now lost), possibly open to the front and with arched openings with grilles to the rear (now blocked). The outline of the roofs can clearly be seen in paintwork on the surviving walls. The building is of yellow brick with a patterned clay tile roof and few decorative details, except a finial on the apex of the central gable. Its appearance suggests a date of 1890-1900.
- 4.1.27 The original function of the building is uncertain. The 1938 Sales particulars list very extensive 'garden buildings', such as the 'brick built Root and Potato Store in 7 compartments with Loft over part'<sup>35</sup>, but none is clearly identifiable with, or described as, the present, detached 'potting shed'. The structure has some similarities with hunting kennels (a beagle pack was kept on the estate<sup>36</sup>), but the 1938 Sales Particulars<sup>37</sup> give a full description of the Beagle Kennels, described as 'brick rough-casted' and almost certainly those (now demolished) near The Paddocks that are shown on the 1909 OS map. Another range of kennels is described adjacent to Keeper's Cottage and it is known that there a 'small dog kennel' was built 'near Keepers Cottage' by Lord Holmesdale in the 1860s,<sup>38</sup> which were replaced in 1887.
- 4.1.28 The building originally seems to have faced into a large enclosure, of which only a small section to the north-east now survives. This may be the area noted in the 1875-6 Valuation<sup>39</sup> as: 'piece above laundry... part... has been taken for new kitchen garden'. Given the proximity of the head gardener's house, and the fact that to its rear was small glasshouse, it seems probable that the enclosure was indeed a garden - quite possibly a nursery - and that the building was associated with it, potting, perhaps among other functions, taking place there. It was usual for the gardens of great houses in the 19th century to produce seedlings, for their own use and for sale; Robson certainly undertook this on a large scale.

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<sup>34</sup> Sales Particulars 2014 Strutt and Parker. <http://struttandparker.reapitcloud.com/stprps/pdf.php?p=CAN140311>

<sup>35</sup> *ibid* 17

<sup>36</sup> Clegget 2010:62

<sup>37</sup> Sales Particulars 1938 John D Wood & Co. KHLC 333.333

<sup>38</sup> Clegget 2010:53

<sup>39</sup> KHLC U24/E5





Figure 11': The 'Potting Sheds'

4.1.29 Also dating from the late 19<sup>th</sup> century is a small animal cemetery just to the south west of the house, containing Cornwallis family pets.



Figure 12: Pet Cemetery

4.1.30 Also shown on the 1898 map is the cricket grounds and pavilion (now listed grade II). The Linton Cricket Club was founded in 1787 and moved to the present site in 1861. The present pitch was laid at the expense of the club's then patrons, the Cornwallis family, and the pavilion built in 1887.<sup>40</sup> The pavilion is one of only 13 examples of this building type to be listed, all at grade II. The pavilion is a pre-fabricated corrugated iron structure on a brick plinth, with iron columns and cresting and wooden barge-boards, clock tower and internal walls and roof structure.



Figure 13: Postcard of the house in 1906 (Wikipedia: open source)

4.1.31 The 1909 Ordnance Survey shows few changes from the previous decade, except for the construction of the model farm buildings, of c1900, north of the walled garden, to the east end of the old orchard. The buildings are of some interest, particularly for the almost comically exaggerated gable to the east end of the northern range. They are of red brick with tiled roofs, forming three sides of a sloping courtyard, the southern side enclosed by a brick wall. The north range has an attic, possible originally providing accommodation, with triangular dormers and tiled roof vent structure. They owe something, stylistically, to the 'Old English' style of Norman Shaw, and his contemporaries, but 20 or 30 years out of date, although their architect may perhaps have aspired to the more contemporary and 'authentic' style of Lutyens. The buildings are an eccentric fusion of 'vernacular' domestic and traditional agricultural forms, and quite different in their style and materials from the 'potting sheds', for example, of a few years earlier.

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<sup>40</sup> Cleggett 2010:59





Figure 14: Home Farm

4.1.32 Lord Cornwallis, who had maintained the estate in the paternalistic, aristocratic tradition, died in 1935. In 1938, the house and park were sold to Olaf Hambro, member of a well-known London banking family.<sup>41</sup> Hambro made a number of alterations to the house, demolishing much of the service yard to its east and removing the bay windows from the south front. His architect was David Styles of Maidstone.<sup>42</sup> The 1938 Ordnance Survey map shows relatively few changes in the park. On Heath Road, the extant 3-6 Wyckham cottages had been rebuilt further back from the road, in a typical 1930s neo-vernacular style.

4.1.33 Hambro was responsible for the creation of the tennis courts and the adjacent swimming pool that replaced the former Winter Garden to the south of the walled garden.<sup>43</sup> The pool was originally within the 1864 conservatory,<sup>44</sup> which seems to have been removed during the 1950s or 1960s. In 1961, three detached houses were built on the site of the complex of glass-houses and service buildings to the north of the walled garden: Azalea Cottage, Magnolia Cottage and Wisteria Cottage. The three houses are similar; each of three bays, and two storeys, built of red brick with clay pantiled roofs, in a plain neo-Georgian style. Of the old garden

<sup>41</sup> Sales Particulars John D. Wood and Co 1938 KHLC ref. 333.333

<sup>42</sup> *Country Life* 1946 (II):627

<sup>43</sup> *Pers. Comm.* Rebecca Wragge, Estate Manager 2016.

<sup>44</sup> *Country Life* 1946(I):518

buildings, only a single-storey range that incorporates the eastern section of the north wall of the garden now remains.



Figure 15: Azalea Cottage

4.1.34 In 1963, the estate was sold to Mr and Mrs Ronald Daubeney, who retained the agricultural land, including most of the park, but sold the house, stables, and pleasure grounds to the Freemasons in 1974. In 1977, the Daubenys built for themselves a new house to the east of the walled garden, on the site of the 1860s head gardener's cottage, originally called Garden House (now renamed 'Cuckoo Fields'). The architects were Denman and Son of Brighton. It is relatively large for its date, with a substantial detached service and garage annexe to its west. It is of two storeys, in a very plain, loosely neo-Georgian style ubiquitous in the suburban Home Counties; even so, it conservative for its date. The house is built of red brick with a plain tiled roof and tile hanging to the first floor. As noted, it occupies the site of an earlier house and the ha-ha to its south appears to follow the line of, and may incorporate, the wall of the walled garden noted above.





Figure 16: Cuckoo Fields

4.1.35 The main house was used as a school briefly and was then sold on to commercial investors. It was vacant during the early 1980s and its condition deteriorated. In 1985, the house, gardens and part of the park north-west of the house, was acquired as the corporate headquarters of Camellia plc., through a holding company known as Linton Park plc., which owns and manages the estate today. In 2015, Linton Park plc acquired the portion of the estate retained by the Daubeny family including Cuckoo Fields, six other houses and 335 acres of land that made up the remainder of the park. The company has undertaken extensive conservation work to the house and gardens, and the recreation of the 19th century pleasure grounds continues at the time of writing.

4.1.36 The former laundry had been converted to 'an attractive small residence' between 1938<sup>45</sup> and 1946.<sup>46</sup> The original building had a central two-storey three-bay range flanked by single-storey wings. In 1972, it was greatly enlarged to the designs of the Saul Jarrett Partnership of Maidstone. The primary structure was retained, with upper floors added to the wings and a new roof over the whole, and other extensions.

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<sup>45</sup> Sales Particulars 1938 KHLC 333.333

<sup>46</sup> Country Life 1946(I):581



Figure 17: The White Lodge

4.1.37 A large group of late 20th century farm buildings adjacent to The Paddocks occupy a site that contained buildings in 1852<sup>47</sup> and 1869, and which were identified as kennels on the 1909 and 1939 OS maps.

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<sup>47</sup> KHLC U24/P30 (plan showing water supplies in Linton Park, drawn by John Robson)



Figure 18: Farm Buildings south of The Paddocks

### *Spatial and Character Analysis*

4.1.38 The mansion and designed landscape of Linton Park are most significant as a whole, forming an ensemble of mansion, pleasure grounds, walled garden, park, farm-buildings and cottages; although each of these features is also of some intrinsic significance. The site of the mansion and its relationship with the parish church and village are probably ancient. The underlying structure of the designed landscape was first established in the late-18th century but there are relatively few physical survivals of that period within the park. Its surviving character is essentially of the 19th century and comprises two main phases: the layout and features of the 1820s and 30s, deriving from Loudon's proposals and associated with the Cubitt buildings; and the development of the gardens and estate buildings from the 1860s-1900. The designed landscape has three key elements: the northern and southern parklands and the central belt that contains the house, gardens and dependences.

4.1.39 The northern edge of the park is thickly wooded and, is in effect, a screen between Heath Road (and what is now the urban edge of Maidstone), and the designed landscape, which begins where the drive emerges from the woods on the old parish boundary. The park here is level, providing a gently scenic approach. There are long views to the south-west, with the church spire in the middle distance, and to the south. The line of buildings and woodland that includes the house, stables, cottages, walled gardens and dependencies, cottages and walled gardens lies just below the brow of the



ridge, appearing from the north as no more than a line of trees, with the distant South Downs beyond.



Figure 19: View of Church from the north-east

4.1.40 The approach becomes more formal towards the southern end of the avenue, and then, where the land falls away, the house is suddenly, dramatically revealed through the break in the belt of woodland, which frames its north front and the splendid and memorable view of the Weald. Indeed, to create this effect, the drive must curve sharply to the east, since following a straight line to the front door would be far too steep to be practical.



Figure 20: The house from the northern avenue

4.1.41 South of the house the park is open and its essential characteristic is the views across the Weald to the south from focal point of the design, the house and pleasure grounds. However, these views can be enjoyed from other locations, most notably the east-west public footpath from the churchyard to Loddington Lane and the public right of way along the northern (lime) avenue. There are some small blocks of woodland, but these are designed features in the landscape, like the lake and do not interrupt views from the hillside on which the house is placed. Planting to the western boundary is thin, allowing for some views to the west, but nonetheless, marking the boundary of the park along Linton Hill. Planting is much heavier to the east, where it screens from view various buildings, including Keepers Cottage and The Paddocks, the former Laundry (White Lodge) and the farm buildings.



Figure 21: The house from the south, showing iron palings

4.1.42 Views from the south are also important. From here the house appears cool and white against the backdrop of trees. It is hard to see any other buildings. The views are easily appreciated from the public footpath that runs across the park just to the north of the lake. The park retains a good deal of its 19th century iron railings (of the simple type often known as ‘park’ fencing or paling) and much has been replaced with modern steel to a similar design. This is an important, traditional feature of the landscape, minimizing the visual intrusion of field boundaries.

4.1.43 The cricket pitch has very little visual impact on the park as a whole, blending almost invisibly into the parkland to the north-east of the house. However, it is actually relatively self-contained, being bounded by woodland to the north and east. It forms an essential setting for the listed pavilion.

#### *Architectural character*

4.1.44 Together, the buildings within the park and village illustrate the social hierarchy and cultural values of an aristocratic estate and as such they might be said to add up to more than the sum of their parts. However, like the landscape, they fall into several groups: the fragmentary 18th century survivals; the early 19th century buildings including those designed by the Cubitts; the later 19th century garden structures, estate cottages and village buildings; and the post-1945 buildings.



- 4.1.45 The most significant 18th century building is the core of the house, but this plays a limited role in the character and appearance of the park as it is hardly visible externally. The ice-house is important as part of the ensemble, but also has limited visual impact, being buried in the woods. As noted, some of the garden walls may be 18th century, but they have been altered and partly demolished. Therefore the remnants of the earliest phase of the site's development are of high intrinsic significance, but less important to the whole.
- 4.1.46 The most important buildings are those of c1825, when the main house took its present form and the stables were built. The house built for the 5th earl by the Cubitts is as noted above the focal point of the landscape and it remains so. Of the same date is the North Lodge, which has been somewhat altered, but is still visibly a late-Georgian building; its significance is acknowledged by its grade II listing. The former laundry is now barely recognisable as such. However, it has considerable historic significance as an unusual building type and the ponds that form its setting are of great interest and are an important feature in the ensemble of mansion, park and dependencies. The whole former laundry complex is worthy of further study, and there may be surviving historic features in the area that have not previously been identified. East Lodge, although altered, is of this significant phase in the development of the Park and lies within its mid-19th century boundary.
- 4.1.47 A second phase of estate buildings was developed between the 1860s and c1900, for Lord and Lady Holmesdale and FSW Cornwallis. The 1869 Ordnance Survey shows both boys' and girls' schools and the (then) Boys' School building probably corresponds with the northern part of the present Old School House; it was therefore built under the patronage of Lady Julia Mann, either before or after her marriage. In contrast to the stucco of the 1820s and 30s, the later 19th century buildings have ragstone walls and neo-gothic details and are typical of their date. This style was carried on in the later cottages including South Lodge, The Paddocks, and Keepers Cottage, as well as several in Linton village built for FSW Cornwallis after 1882. Together and individually, they make a positive contribution to the area in architectural and historic terms.
- 4.1.48 Two other buildings of c1900, the putative 'potting sheds' and the Home Farm, are anomalous stylistically, but play an important part in the ensemble and are of some intrinsic architectural interest. Each is a great deal more elaborate than was functionally necessary. The 'potting shed', which may not have been seen from any great distance, nevertheless has something of the character of an ornamental park building or folly: even if it was intended to be seen only peripherally, its silhouette is distinctive. The Home Farm is a very late example of a model farm; probably well equipped with the latest agricultural technology, it was not merely functional. It was a place where the prize beasts grazed in the park could



be inspected, and is a considered architectural interpretation of its vernacular precedents, even if it bears little comparison to the better known examples of its style and (approximate) date.

- 4.1.49 The late 20th century farm buildings south of The Paddocks are utilitarian and well-screened. As buildings necessary for the maintenance of the agricultural estate, they are well located: as such, their contribution to the significance of the area is neutral.
- 4.1.50 The new buildings and additions of the second half of the twentieth century, including Cuckoo Fields, Azalea, Magnolia and Wisteria Cottages, are at best neutral in contribution to the ensemble, in that they do relatively little harm to the setting of the mansion or the listed buildings in publicly accessible views. Close to, however, they are intrusive. None has any intrinsic architectural merit. The additions and alterations to the former Laundry (White Lodge) have had the regrettable effect of almost entirely obscuring its Georgian origins.
- 4.1.51 The buildings on Heath Road and at the northern end of Loddington Lane (Stone Cottage, Wickham Cottages, Rose Cottage, Loddington Lane Cottages) have an historic relationship with the estate, in that they were owned by with it. These cottages are architecturally unremarkable, they are outside the designed landscape and they make no contribute to its setting. There is little about these buildings to distinguish them from such buildings anywhere else. They do not, therefore, contribute to what is significant about Linton Park.



Figure 22: Stone Cottage, Heath Road



Figure 23: 4-6 Wyckham Cottages, Heath Road



Figure 24: 1-2 Wyckham Cottages, Heath Road



Figure 25: Rose Cottage, Loddington Lane





Figure 26: Loddington Lane Cottages

*Summary of Significance: Linton Park*

4.1.52 The special interest of the Linton Park Character is summarised as:

- The 18th century designed landscape and structures, including the Ice-house, terraces, steps, fountains and folly.
- The early 19th century buildings designed by the Cubitts and the associated estate buildings.
- The landscape and pleasure grounds based on Loudon's proposals.
- The early 19th century mansion, outbuildings and dependencies, including the main house, stables, walled gardens and North Lodge.
- The mid-19th century gardens designed by John Robson.
- The later 19th century estate buildings, including The Paddocks, Keepers Cottage, the Home Farm and potting sheds.
- The Cricket pavilion and ground

*Assessment of Buildings: Linton Park*

4.1.53 In line with the categories established by Maidstone Borough Council, the buildings within the Linton Park Character area are assessed as follows:

- Linton Park House(listed grade I): *Essential*
- Former Stables and Paved Yard (listed grade II: *Essential*.
- North Lodge (listed grade II): *Essential*
- Folly at west end of North Walk (listed grade II): *Essential*

- Flight of steps, stone retaining walls, balustrading and urns, to south of mansion house (listed grade II): *Essential*.
- Ice House (listed grade II): *Essential*
- Linton Park Cricket Club Pavilion (listed grade II): *Essential*
- Walls to former walled garden and associated sheds (unlisted): *Positive*
- Home Farm (unlisted): *Positive*
- Potting sheds to south-west of Cuckoo Fields (unlisted): *Positive*
- Keepers Cottage (unlisted): *Positive*
- The Paddocks (unlisted): *Positive*
- The White Lodge, Loddington Lane (unlisted): *Positive*
- East Lodge, Loddington Lane (unlisted): *positive*
- Azalea Cottage (unlisted): *Neutral*
- Magnolia Cottage (unlisted): *Neutral*
- Wisteria Cottage (unlisted): *Neutral*
- Cuckoo Fields, formerly Garden House (unlisted): *Neutral*
- Loddington Lane Cottages, Loddington Lane (unlisted): *Neutral*
- Rose Cottage, Loddington Lane (unlisted): *Neutral*
- 1 & 2 Wykeham Cottages, Heath Road (unlisted): *Neutral*
- 3-6 Wykeham Cottages, Heath Road (unlisted): *Neutral*
- Stone House, Heath Road (unlisted): *Neutral*

#### *Summary of Issues*

- 4.1.54 The park is well maintained by its current owners, who have commissioned several detailed studies and management plans to inform its restoration. The most significant aspect of the park in relation to the wider village is what may be seen from the public realm, particularly its trees. Many if not most of the mature trees in the park are subject to Tree Protection Orders (TPO), which protect the historic planting. Conservation area designation would reinforce and extend these protection. This should ensure that important views are kept open where appropriate (for example, across the parkland and on its southern boundaries) and that screening and shelter-belt planting (for example, to the north, north-west and east and around the farm buildings) is maintained.
- 4.1.55 The park is subject to development pressure in several areas. Planning permission has been granted to convert the Home Farm into a single dwelling house (14/504899) and the sheds on the north side of the former walled garden to residential use (14/503972 PNBCM). The conversion of disused historic buildings to suitable new uses, subject to careful and sympathetic architectural design, is a positive change. In general, this is likely to be achieved by minimising change to the external appearance of such unlisted structures and avoiding new enclosures, boundaries, garden features, hard-standing and visible car-parking externally. Wholly new



development within the park is unlikely to be appropriate.

- 4.1.56 In previous years, the character of some of the estate buildings has been detrimentally affected by unsympathetic alteration or extension; most notably, at the White Lodge, where the extensions are so large as to have overwhelmed the original building, and the South Lodge, which has a disproportionately large and out-of-keeping rear extension. Conservation area designation would aim to ensure that any extensions or alterations in the future were allowed only where they were clearly justified against the appropriate policy and guidance, visually subservient to the original building and (normally) undertaken with materials and details to exactly match the existing historic fabric.

#### *Recommendation*

- 4.1.57 That Linton Park be designated as an extension to the Linton Conservation Area, with boundaries as shown on Map B. The extension would include the whole of the designated historic landscape along with the Cricket Pavilion and ground, North Lodge, East Lodge, The Paddocks and the farm buildings to the south-west of The Paddocks. It is proposed that a boundary (determined by the appropriate property ownership lines<sup>48</sup>), be drawn along the northern edge of the woods to the north of the park. Although this woodland was not historically a part of the park, it would provide a suitable buffer to protect the designed landscape. The farm buildings to the south of The Paddocks are recommended for inclusion to ensure that development on this site is managed so as to conserve the significance of the park. The proposed boundary would also include the whole of the churchyard (which was extended between 1898 and 1909, and again before 1939<sup>49</sup>) and the car park to the east of the Almshouses. These small areas of land are included to protect the setting of the church, Almshouses and park. The land affected was historically part of the park.<sup>50</sup>

## **4.2 Character Area: Loddington House**

- 4.2.1 Loddington House, Loddington Lane is a large house probably dating from c1880. It is built of local ragstone under a plain red clay tile roof. It replaced an earlier farmhouse that stood slightly to the south, below the ridge. To its rear, the buildings now known as Loddington Cottage, The Stables and Loddington Oast have been converted from its former farm-buildings, which appear to have had 19th century origins, although at least partly pre-dating the present house. Both the house and oast are prominent in the landscape because of their position on the ridge. However, neither the house nor the farm buildings has a direct architectural or historic connection with Linton Park (other than as being part of the vast Cornwallis estate) or Linton village, nor do they form a visually significant

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<sup>48</sup> Property boundaries to be confirmed as and when designation takes place

<sup>49</sup> Ordnance Survey 1896, 1907, 1938

<sup>50</sup> Ordnance Survey 1868

part of its setting.



Figure 27: Loddington House



Figure 28: Loddington Cottage, Off Loddington Lane



Figure 29: The Stables and Loddington Oast, off Loddington Lane

4.2.2 For these reasons, they do not contribute to the significance of the Linton Conservation Area or its proposed extension to include Linton Park. Therefore it is recommended that they should not be included in the extended conservation area.

### 4.3 Character Area: Wheelers Lane

4.3.1 Wheelers Lane is an historic route leading westwards from Linton Hill. In 1841, the tithe map shows there were several houses here. Numbers 1- 6 Wheelers Lane were then, as now, Cornwallis Estate cottages. Although the present buildings are of late 19th century date, they appear to replace earlier estate cottages on the same site, which are shown on the tithe map and subsequent Ordnance Surveys. The 17th century house opposite, now Three Chimneys (listed grade II), was not part of the Cornwallis estate (suggesting that its origins are early in the history of the area). These buildings are within the present conservation area. Some distance to the east was a cottage occupied by Hooton and beyond that, a group of house and farm buildings called Johnsons Land, occupied by John Hunt; both part of the Cornwallis estate. None of these appears to have survived.

4.3.2 The 1869 Ordnance Survey shows only one wholly new building in the lane, a large farm building to the east of Johnsons Land. This survives as The Old Granary. It is of red and grey brick with weatherboarding to first floor and a plain red clay tile hipped roof. It was converted to residential



use in 1967, to the designs of D. G. Thurlow of Cambridgeshire.<sup>51</sup>

- 4.3.3 By 1898, minor changes had been made to the buildings at Johnsons Land and, by 1909, what is now the Old Granary had been extended southwards. There were still no new developments in the road, although by this date the two buildings to the east of Johnsons Land, each presumably replacing an earlier structure on the same site, were the extant 1-4 Redwall cottages. By the date of the next Ordnance Survey, in 1938, the farmstead included a scatter of small buildings as well as the 'granary' (if so it was).



Figure 30: 1-4 Redwall Cottages

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<sup>51</sup> Information from Maidstone Borough Council town planning records



Figure 31: The Old Granary, Wheelers Lane

- 4.3.4 The first of the houses that now line the southern side of the lane was White House, a detached white-rendered house with a pantiled roof, of 1938-40, designed by Seymer, Orman and Adie, for a Maidstone builder, Mr. J C Corben.<sup>52</sup> This is a house of some interest. One of the architects, George M. Adie, with his subsequent partner Frederick Button, designed “Charters” at Sunningdale (1938, listed grade II although altered); remarkable as one of very few modernist ‘great houses’ and among the last to be built on a grand scale in England before the Second World War put an end to such extravagance. After the war, Adie and Button designed Stockwell Bus Garage, notable for its enormous vaulted reinforced concrete roof and now widely acclaimed as one of the finest modern buildings in England. The White House appears fairly conventional, but its details are characterful. It has rusticated quoins with stepped kneelers to the gables, giving it a Scottish feel, and the detail of the kneelers is carried round as a cornice. The entrance porch has a flat concrete canopy, a band of shallow windows to the first floor above it and the quoins to the doorway itself are curved. The house has no particular relationship with the village or its neighbours and was evidently built on what was then a rural site. However, it should certainly be considered for inclusion on the local list and possibly for statutory listing.

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<sup>52</sup> Information from Mike Parkinson, Maidstone Borough Council March 2016





Figure 32: The White House, Wheelers Lane

- 4.3.5 The north side of Wheelers Lane is architecturally and historically entirely unremarkable and it has not been proposed for conservation area designation, although (with the exception of the White House), it was developed before the south side. ‘Boscobel’ dates from 1954. Cornwallis Avenue is a development of semi-detached houses of the usual robust, plain and serviceable local authority type of the late 1950s. The pair of bungalows comprising in ‘Tree Tops’ and ‘Maple Leaf’ were designed and built for W R B Estates, in 1959.<sup>53</sup>
- 4.3.6 Of the houses on the south side, none is of special interest. The best of them is ‘Fieldfares’, a bungalow of 1969, showing the influence of post-war American suburban housing, designed by Bryan Archer ARICS of East Peckham. ‘Southlands’ (1990 by Scandia-Hus); ‘Willow Court’ (1994, C and B Designs’); ‘Weald House’ (1988 by Berkeley Homes) and ‘The Old Forge House (c1990s, designer unknown)<sup>54</sup> are unremarkable examples of late 20th century house-building without architectural interest of any sort.

<sup>53</sup> Information from Maidstone Borough Council town planning records

<sup>54</sup> *ibid.*



Figure 33: Fieldfares, Wheelers Lane

*Summary of Significance: Wheelers Lane*

4.3.7 Wheelers Lane is essentially a post-World War Two suburb, largely indistinguishable from those in towns and villages across southern England. The lane is surprisingly well hidden in views from the park and village to the south and south-west. It was, and is, a well chosen location for the expansion of the village, which has little detrimental impact on the special character and appearance of the conservation area. By the same token, it contributes little or nothing to the area's heritage significance, relating to it mainly through the historic pattern of ownership. Redwall Cottages are a late, utilitarian variation on the Linton estate type, of which the more interesting, earlier examples are already within the conservation area. The White House is of some intrinsic interest, but unrelated to the village or estate. The Old Granary is an historic survival, but unexceptional both in its historic origins and in its present form.

4.3.8 Wheelers Lane does not contribute the special interest of the Linton Park or Linton village. Only the White House has intrinsic architectural or historic interest: as an area Wheelers Lane does not have a distinctive character or appearance. It has very little impact on the visual setting of the park or village. The most important elements of this area, architecturally and in relation to the park and village, are already designated. For these reasons, it is recommended that it should not be included in the extended conservation area.

#### 4.4 Character Area: Vicarage Field

- 4.4.1 The eastern half of this field, to the south of the Old Vicarage, to the west of Linton Hill and to the north of Wheelers Lane, is within the conservation area. Its contribution to the character of the conservation area, in providing open views to the west, is effectively protected by this designation. It is shown on the 1841 Tithe map with the words 'Tithe Free' struck through, although it appears to be contiguous with the Vicarage garden. It is listed in the award as 'Parsonage Field', belonging to Earl Cornwallis rather than the incumbent. Whilst one might have expected it to be glebe, its historic status is thus ambiguous. It did not include the area that is now allotments. Its western boundary was the present eastern boundary of the gardens to Cornwallis Avenue. By 1869, it was separate from the Vicarage garden and remained as a single large field until the house building of the 1950s, noted above.
- 4.4.2 The present conservation area boundary appears arbitrary and it is therefore recommended that it be rationalised by moving it westwards so that it corresponds with the present-day field and property boundaries to the west and south, as shown on Map B.



Figure 34: Vicarage Field with Cornwallis Avenue beyond

#### 4.5 Other Boundary changes

- 4.5.1 The western boundary of the conservation area to the north of the Old



Vicarage also appears to have been drawn arbitrarily, without regard to property boundaries. It is recommended that the boundary should be redrawn to follow the existing property boundaries.



Figure 35: Land to west of 'Everest'



Figure 36: Land adjacent to Bank Cottage



Figure 37: The Old Forge, Linton Hill



- 4.5.2 To the north of The Bull Public House are two plain, rendered buildings now known as the Old Forge, Forge Cottage and Old Forge Cottage, reflecting their historic origins. The Old Forge lies outside the conservation area. In 1841<sup>55</sup>, it belonged to the Rev. Francis Barrow of Margate, and was occupied with the other forge buildings, described as ‘cottages and a blacksmiths shop’, by Messrs. Thornycraft and Dann. The Old Forge is currently unprepossessing in appearance, but it incorporates at least part of the historic early 19th century blacksmiths shop. An old mounting block survives to the north-east corner of the cottage, which is worthy of preservation *in situ*. This is the first building in the historic core of the village as it is approached from the north. It is capable of enhancement that could recover much more of its historic character than is now apparent, and could thus make a much greater contribution to the village as a whole than it does at present.
- 4.5.3 It is recommended that the conservation area boundary to the west of Toke House and ‘Everest’, to the north of Bank Cottage and Milady’s Forge House and to the north of Forge Cottage and Old Forge Cottage, should be rationalised to follow the existing property boundaries and to include Forge Cottage, as shown on Map B.
- 4.5.4 An area of woodland to the west of Linton Hill, between the Old Forge and Hill Place has been proposed for inclusion. This is understood to include part of the former route of Linton Hill, which is shown on Andrews and Drury’s map of 1896 forking just north of the village, with one branch running immediately in front of Hill Place. This feature of the landscape has some historic interest, but it does not contribute to the heritage significance or visual setting of the historic village core some little distance to its south, nor of the designed parkland to the east of the road, which is screened in this area by a thick band of trees within the park. Therefore it is not recommended that this area of what is now unkempt woodland should be included in the conservation area.

## 4.6 Threats/proposed developments

- 4.6.1 There are no current approved or pending development proposals within the area proposed for designation apart from those mentioned above. A recent scheme for the erection of 14 detached dwellings in Vicarage Field was withdrawn. (Ref. 14/504148).
- 4.6.2 No sites appropriate for wholly new development (‘greenfield sites’) have been identified within the proposed conservation area extension. The CAMP (Section V: Principles for Development Control) provides guidelines for appropriate redevelopment within the conservation area, which apply equally to the proposed extension.

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<sup>55</sup> Linton Tithe Award and map 1841 KHLIC

## **4.7 Recommendations for inclusion of buildings on the local list**

4.7.1 It is recommended that the following buildings should be considered for inclusion on the local list, in due course.

- Home Farm, Linton Park
- Old Potting Sheds, Linton Park
- Walled Garden, Linton Park
- Keepers Cottage, Linton Park
- The Paddocks, Linton Park
- The White House, Wheelers Lane

## **4.8 Recommendations for Article 4 directions**

4.8.1 It is recommended that to ensure that future development preserves or enhances the special character or appearance of the extended conservation area, those dwelling houses that have residential permitted development rights should be subject to an Article 4 direction to withdraw those rights. The effect of an Article 4 direction would be to require planning permission to be sought to change windows, doors, roof coverings, to paint or render brick facades and to erect, alter or demolish a boundary fence or wall on frontages of dwelling houses that face a highway, footpath or public open space.

## **4.9 Trees**

4.9.1 Trees make an important contribution to the special character of the areas proposed for designation, especially those within the park that are considered at 4.1.49 above. The most important specimens in this zone are already protected by TPO. Trees in the churchyard and burial ground hedgerows and shelterbelts also make a valuable contribution to the character of the area. In general, woodland trees, parkland trees and hedgerow species should be replaced with the same species as existing at the end of their lives.

## **5 CONCLUSION**

5.1.1 It is recommended that the Linton Conservation Area boundary should be varied to follow the lines shown on Map B, for the reasons set out above.

## APPENDIX A

### Criteria for assessing unlisted elements

(From English Heritage's guidance *Understanding Place: Conservation Area Designation, Appraisal and Management* (2011))

'Check list to identify elements in a conservation area which may contribute to the special interest. A positive response to one or more of the following may indicate that a particular element within a conservation area makes a positive contribution provided that its historic form and values have not been eroded.

- Is it the work of a particular architect or designer of regional or local note?
- Does it have landmark quality?
- Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?
- Does it relate to adjacent designated heritage assets in age, materials or in any other historically significant way?
- Does it contribute positively to the setting of adjacent designated heritage assets?
- Does it contribute to the quality of recognisable spaces including exteriors or open spaces with a complex of public buildings?
- Is it associated with a designed landscape e.g. a significant wall, terracing or a garden building?
- Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?
- Does it have significant historic association with features such as the historic road layout, burgage plots, a town park or a landscape feature?
- Does it have historic associations with local people or past events?
- Does it reflect the traditional functional character or former uses in the area?
- Does its use contribute to the character or appearance of the area?

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Wilson JM, *Imperial Gazetteer of England and Wales*, 1872, at GB Historical GIS/ University of Portsmouth, [www.visionofbritain.org.uk/place/6260](http://www.visionofbritain.org.uk/place/6260)

## **Planning Policy and Guidance**

Planning (Listed Building and Conservation Areas) Act 1990

Department for Communities and Local Government *National Planning Policy Framework* 2012

Department for Communities and Local Government, *Planning Practice Guidance: Conserving and enhancing the historic environment* 2014

English Heritage *Understanding Place: Conservation Area Designation Appraisal and Management* (2011)

## **Maps**

Map of Kent Andrews and Drury 1769 (sheet 12)



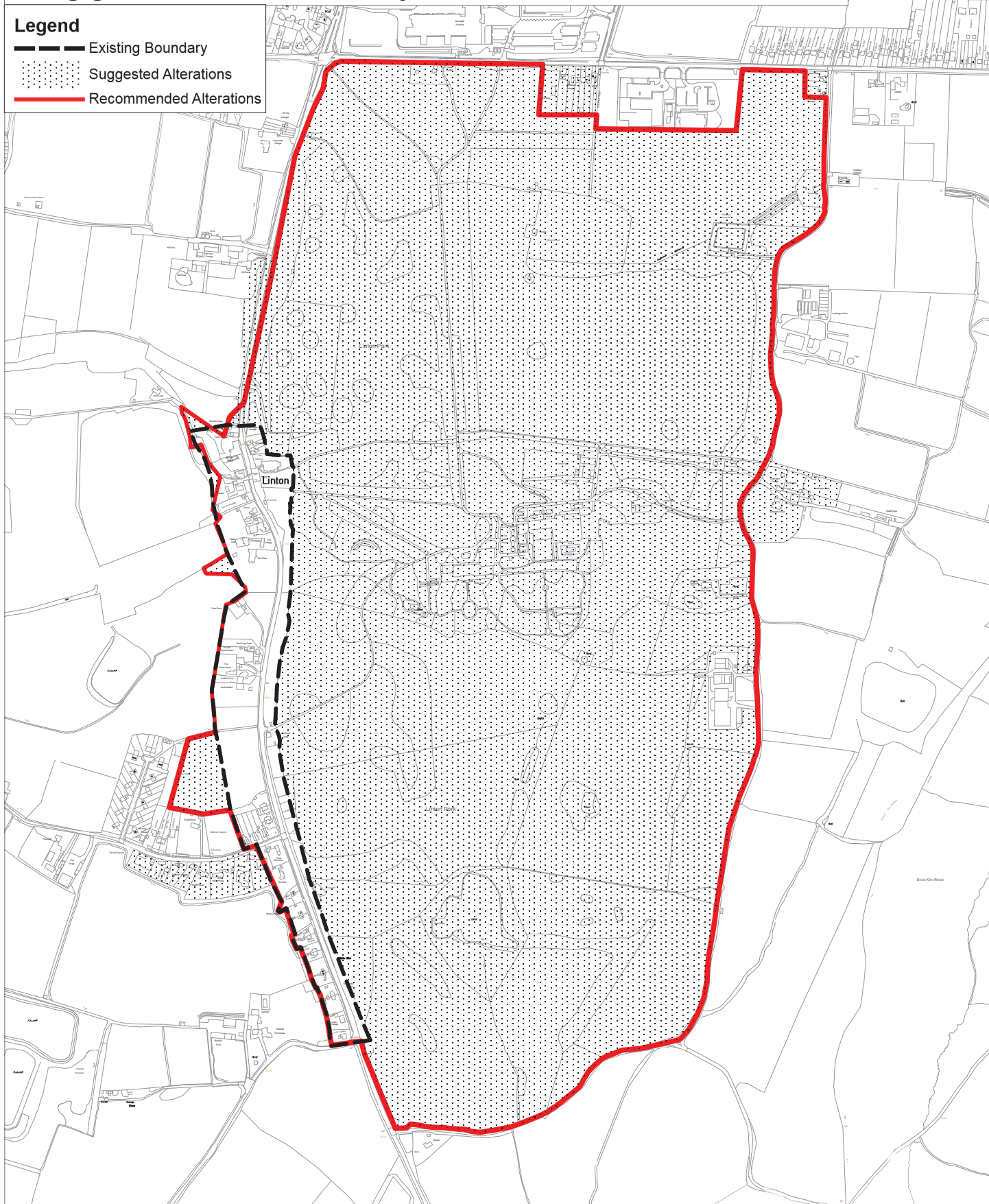
Map of the Hundred of Maidstone, from Hasted 17

Tithe map and Award, Kent History and Library Centre

Ordnance Survey 6" maps: 1868-72; 1896-8; 1907-9; 1933-49

# Linton Conservation Area

## Suggested Boundary Alterations



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## Strategic Planning, Sustainability and Transportation Committee

**11 April 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**No**

### E-Planning – Parish Copies of Applications

<b>Final Decision-Maker</b>	Rob Jarman
<b>Lead Head of Service</b>	Rob Jarman – Head of Planning (MBC)
<b>Lead Officer and Report Author</b>	Ryan O’Connell
<b>Classification</b>	Public
<b>Wards affected</b>	All parished

#### This report makes the following recommendations:

That the Committee note the decision to remove hardcopies to parishes will be implemented with effect from 1 April 2018. With parishes provided with hardcopies only, from June 2017 to 31 March 2018; and

That training will be offered to parishes on the use of the website and electronic facilities (such as subscriptions) and offered support with bids to National Lottery funding to help Parishes manage the transition to electronic planning.

#### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

#### Timetable

<b>Meeting</b>	<b>Date</b>
Strategic Planning Sustainability & Transportation Committee	11 April 2017

## **E-Planning - Parish Copies of Applications**

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 To inform the Committee of how the implementation of the decision to remove hardcopies from parishes will be handled, having taken into account the feedback from the Committee at its previous meeting.
- 

### **2. INTRODUCTION AND BACKGROUND**

- 2.1 Mid Kent Planning Support is in the process of delivering its electronic planning project. This is part of the original vision for the service agreed by the council and is driving changes to achieve an efficient and modern planning service.
- 2.2 The most efficient way for applicants to submit, and MKPS to receive, applications is via the planning portal (i.e. electronically) as they are entered into our systems automatically which in turn is good for the general public and other organisations as the information is made available via the website easily. We currently receive 70% of applications through the planning portal. The more applications we drive through this route the better for turnaround times, cost and transparency. With the exception that all printing requirements fall on the Council for applications submitted this way. In order to maximise efficiency it is therefore crucial that we reduce the printing requirements in MKPS.
- 2.3 Copies are provided to parishes as historically the planning process was done entirely with paper applications. The planning register was kept in paper format and the regulations governing planning were geared towards paper submission. Crucially this included a requirement for applicants to submit 4 copies of an application (since reduced to 3 copies) in hardcopy. One of which went on the register and another was provided to parishes.
- 2.4 However, planning has evolved over time and since the turn of the century electronic planning has accelerated in its use across the country. Regulations now specifically refer to electronic submissions and communications and applicants have the option of submitting electronically via the national planning portal. There is no requirement for applicants to submit hardcopies of applications any more if they submit them electronically.
- 2.5 Alongside the submission of applications, the process of consulting on applications, with statutory and discretionary consultees, has also moved to an electronic process. All consultees with the exception of parishes are required to look at applications electronically and then provide us with their views. Those consultees do not receive support from MBC in order to discharge their duties to input into the planning application process.
- 2.6 Many other planning authorities have ceased the provision of hardcopies to parish councils as part of the shift towards electronic planning, delivering efficiencies and the national trend towards more interactions and



involvement online. This is applicable to all areas of planning, including the handling of appeals with the planning inspectorate.

### **3. Printing Costs and Savings**

- 3.1 The production of hardcopies of planning applications for parish councils is a significant proportion of the printing requirements of MKPS and the aim is to reduce Maidstone's proportion of print cost by an estimated £20k, plus the postage of Maidstone's parish copies costs of around £4k a year.
- 3.2 It was also envisaged that MKPS would drive paperless process improvements across the planning service as a whole. Implementing significant change across two planning departments and MKPS is difficult and requires clear outcomes to be identified for staff and customers. If printing reductions are not delivered this significantly undermines one of the key outcomes and puts the programme of change at risk including associated savings, performance improvements and service delivery for customers.
- 3.3 In the short term if the changes to printing and postage are not delivered then planned savings from running costs will not be deliverable. MKPS would need to find a reduction of £42k in costs from staffing only (roughly 2 FTE of Planning Support Officer posts) without a reduction in workload from printing. This would reduce service resilience and impact performance.

### **4. Barriers, Issues and Feedback**

- 4.1 The main barrier identified by parishes in 2014 was poor quality broadband and lack of facilities in meeting venues for some parishes. This is an issue that has also been raised elsewhere nationally and has not prevented parishes from responding to consultations. There are a number of solutions available to this that will be discussed with those parishes where this is an issue.

**Table 1**

<b>Barriers to working electronically</b>	<b>Possible solutions</b>
Do not have broadband connections in the places where the meetings are held	<ul style="list-style-type: none"> <li>• If parish own premises, and broadband is available, install</li> <li>• If don't own, collaborate with owner to share cost and install</li> <li>• Could move meetings to alternative venue that has broadband</li> <li>• Could download documents (laptop, USB stick, or CD) prior to meeting and work offline at the meeting</li> <li>• Could purchase a mobile accessible dongle so that internet can be accessed during the meetings as / when required</li> </ul>
Cost of purchasing PC/laptop, screen, projector and broadband connection	<ul style="list-style-type: none"> <li>• The case is based on how much can be saved in admin, printing, postage &amp; storage costs</li> <li>• Parish councils could collaborate to jointly purchase equipment</li> <li>• Neighbouring parishes could share equipment, hold meetings on different days</li> </ul>

	<ul style="list-style-type: none"> <li>• Could bid for funds, the equipment could also benefit other community groups</li> </ul>
On-going cost of maintaining the equipment and broadband rental	<ul style="list-style-type: none"> <li>• Could hire out the equipment</li> <li>• Could share the facilities and equipment with neighbouring parish</li> </ul>
Some parish clerks and councillors lack the IT skills to process the information into a parish meeting format / download the documents / know what is the best way	<ul style="list-style-type: none"> <li>• Could request guidance from MKPS</li> <li>• Could request help from any parishes that have the skills</li> <li>• Could request training from any IT literate local residents</li> <li>• Could buy in training</li> <li>• Could buy in training with neighbouring parishes to share cost</li> <li>• Could use online tutorials for information and training</li> </ul>
Some parish councillors don't have access to broadband at home	<ul style="list-style-type: none"> <li>• Could use the parish equipment</li> <li>• Could use the public library</li> <li>• Could use neighbours' / friends' / other councillors' computer</li> </ul>
Broadband speed can be slow in some parishes, some locations	<ul style="list-style-type: none"> <li>• Could set up parish meetings to work off-line</li> <li>• Could allow plenty of time for downloading documents</li> <li>• Could only download some of the documents</li> </ul>
Having to set up the equipment for the meetings at the venue	<ul style="list-style-type: none"> <li>• Should only take 5-10 mins to set up once practiced</li> <li>• Use online tutorials &amp; internet search for instructions</li> </ul>

4.2 A version of this report was considered by SPS&T Committee on 7 February 2017. The committee raised the following main issues with the proposals:

- This would create a burden on parishes for printing where they relied on volunteers and a limited number of paid hours
- Practical issues such as, it was not possible to get a group of people, including the public, round a small screen to look at applications
- The timing was unfair on parishes as they had already supplied their precept requirements to MBC for 2017/18 and could not therefore raise additional revenue to deal with this issue.
- Not all parishes had sufficient technology/broadband to be able to adapt to this change.

4.3 The committee originally requested to take the decision on ceasing printing of parish copies themselves, but given the delegation to officers were unable to do so. This report is therefore going back to committee to inform them how the committee's views have been taken into account.

## **5. DECISION AND IMPLEMENTATION**

- 5.1 The committee's views have been taken into account and have changed the proposed implementation of ceasing the provision of hardcopies of applications to parish councils.
  - 5.2 The timetable has been adjusted such that copies will cease entirely from 1 April 2018. With an interim arrangement from June 2017 where thin files, plans only, will be provided to parishes.
  - 5.3 There are many positives from working electronically and having the equipment necessary to display applications. Training is therefore proposed to help parishes maximise the benefits of Public Access, and working electronically with planning.
  - 5.4 National Lottery funding is available for parishes to bid for as well, whilst this is for parishes to determine whether they want to or not, we will discuss the possibility of helping them with any bids should they wish.
- 

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 A consultation was carried out with parishes in 2014 which demonstrated that parishes could adapt to operating electronically only for planning applications, but some individual parishes may need bespoke support.
  - 6.2 The feedback from the committee meeting on 7 February 2017 is set out in the body of the report and has been taken into account in the new implementation.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 KALC will be informed of the changes and a letter sent to parish councils to inform them that hardcopies of applications would cease, and set a date (1 April 2018). Parishes will be notified of training sessions that they can book onto to be run before thin files start in June 2017. Communications will remain open with parishes up until 1 April 2018 in case bespoke support can be offered (for example helping with bids for funding, or further training).
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## 8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	An efficient planning service impacts on all corporate priorities	Head of Planning and MKPS Mgr
<b>Risk Management</b>	There are always risks arising from implementing changes the main risk mitigation approach being to allow time for parish councils to adjust to the change with advanced notice.	Head of Planning and MKPS Mgr
<b>Financial</b>	One aim of this change is to deliver savings towards each Council's MTFS.	S151
<b>Staffing</b>	Staff time would be saved in reducing printing of parish copies. This would then be considered alongside other savings delivered in the MKPS Improvement plan for realisation as actual savings through reduction in FTE.	MKPS Mgr
<b>Legal</b>	There is no legal requirement for parishes to be provided hardcopies of applications but the changes need to be practicable and made in accordance with the parish charter.	MKPS Mgr
<b>Equality Impact Needs Assessment</b>	The change is being applied to parishes and is not considered to disproportionately impact on any particular group. Specific requirements for hardcopies of documents will be dealt with under the usual means of access for those with disabilities or difficulties accessing the electronic planning register.	MKPS Mgr
<b>Environmental/Sustainable Development</b>	Printing less documents produces less paper and print waste.	MKPS Mgr
<b>Community Safety</b>	None directly	
<b>Human Rights Act</b>	None directly	
<b>Procurement</b>	None directly	
<b>Asset Management</b>	None directly	

## **9. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

None.

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## **10. BACKGROUND PAPERS**

None.



# Agenda Item 15

## **STRATEGIC PLANNING, SUSTAINABILITY & TRANSPORTATION COMMITTEE**

**11 April 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### **Housing White Paper**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability & Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Sarah Anderton, Principal Planning Officer (Spatial Policy)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **This report makes the following recommendations to this Committee:**

1. That the responses set out in the body of the report **be AGREED** as a basis for the Council's consultation response to the planning aspects of the Housing White Paper.

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all – the Housing White Paper's proposals will impact on the Council's planning and housing functions which themselves have a key role in delivering this priority.
- Securing a successful economy for Maidstone Borough -the Housing White Paper's proposals will impact on the Council's planning and housing functions which themselves have a key role in delivering this priority.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability & Transportation Committee	11 <sup>th</sup> April 2017

# Housing White Paper

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Housing White Paper 'Fixing our Broken Housing Market' sets out the Government's measures to address what it identifies as weaknesses in the operation of the housing market. The measures are numerous and broad ranging and, if confirmed, will primarily impact on the Council's Planning, and Housing functions. The White Paper confirms certain measures, consults on others and signals future consultation on further, select proposals. Consultation on the White Paper closes on 2<sup>nd</sup> May 2017.
- 1.2 The purpose of this report is to provide an overview of the White Paper's proposals which are most directly related to planning and to set out some main points which it is recommended form the basis for the Council's consultation response.

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Government published its Housing White Paper 'Fixing our Broken Housing Market' on 7<sup>th</sup> February 2017. It advances proposals on a number of fronts and its content has been described as 'evolution' rather than 'revolution'. Its four chapters are entitled 'Planning for the right homes in the right places', 'Building homes faster', 'Diversifying the market' and 'helping people now'.
- 2.2 The content of White Paper which is most pertinent to this Committee's remit falls within the following broad subject areas:
  - Housing delivery
  - Diversifying and boosting housing supply
  - Local Plans
  - Affordable housing

### **Housing Delivery**

- 2.3 ***Housing Delivery Test:*** This proposed test will measure whether housing completions in the local authority area have kept pace with requirements and imposes sanctions where delivery is below target. This new test is complementary to the 5 year housing land requirement as it measures actual, achieved completions whereas the 5 year supply measures the sufficiency of future housing supply. The new test will establish whether the number of homes being completed is below target and, if so, require that the reasons for this be identified and actions be taken to ensure that more housing land comes forward. The following phased approach is proposed:

Date (from)	Delivery threshold (% of local authority's annual housing requirement)	Implication for local authority
Nov 2017	Below 95%	Publish an action plan setting out the reasons and actions
	Below 85%	Plan for a 20% buffer on their five-year land supply
Nov 2018	Below 25%	Presumption in favour of sustainable development will apply
Nov 2019	Below 45%	
Nov 2020	Below 65%	

- 2.4 The calculation will be based on the completions as a percentage of the annual target and will be based on a three year rolling average. The first 3 year assessment period will be for the financial years 2014/15 to 16/17. The new test underlines that an authority's assessment of housing supply must be realistic in terms of the number and timing of new homes that will be built.
- 2.5 To support neighbourhood plans, the Written Ministerial Statement of December 2016 stated that the presumption in favour of sustainable development would not apply in areas with an approved neighbourhood plan which allocates land for housing provided that the local planning authority can demonstrate a 3 year housing land supply position (rather than the normal 5 year requirement). The White Paper would further amend this to only apply to neighbourhood plans which identify land for its share of housing need. In a further refinement, this protection in neighbourhood plan areas would be over-ridden by a failure of the housing delivery test (i.e. not meeting the 25%/45%/65% thresholds in the table above).
- 2.6 **Response:** The Council has very recently had its housing land supply position thoroughly tested through its Local Plan Examination. Having heard all the arguments, the Inspector indicated in his Interim Findings that a 5% buffer on the 5 year supply calculation is appropriate in Maidstone's case. He did not agree that the 'persistent under-delivery' that would require a 20% buffer had been demonstrated and opined that "it would be unreasonable to apply higher housing need figures retrospectively that were only identified as recently as 2014."
- 2.7 A similar principle should apply to the proposed Housing Delivery Test. There is some inevitable time lag before the housing site allocations in an up to date Local Plan generate an uplift in housing completions. It is unreasonable that an authority with a very up to date Local Plan could potentially be required to apply a 20% buffer (with a resulting risk to its 5 year land supply position) because the test relies on completion rates from earlier years. This could be particularly the case for authorities such as Maidstone where the Objectively Assessed Need for housing (OAN), which the Local Plan provides for in full, is substantially higher than the targets that previously applied.

- 2.8 This aspect of the delivery test could run counter to the Government's clear intention that the planning system is plan-led and that an up to date local plan is the key way by which authorities have full control over the scale, nature and location of development in their areas. This could be addressed with the introduction of a transition period of up to 3 years from a Plan's adoption before the 20% buffer could be required.
- 2.9 In terms of the detail of the proposed test, it is agreed that this should be based on the housing target established in an up to date Local Plan. Also the principle that the test is introduced in a staged manner is welcomed. As local planning authorities do not generally have direct control over the construction of new homes and the rate at which this occurs it is also essential that the delivery test is applied in concert with actions to ensure developers implement consents promptly. Further guidance will be needed on what is meant by 'a neighbourhood plan's share of housing need' in circumstances where there is an up to date Local Plan in place which includes site allocations to meet OAN.
- 2.10 **5 year supply:** to curtail the scope for debate about the existence of a 5 year land supply at appeals, the NPPF will be amended to enable local planning authorities to have their position agreed on an annual basis and, once agreed, the position would stand for a year. The position would be prepared in consultation with developers and those who have a direct influence on the delivery of sites (e.g. infrastructure providers) and would be submitted to the Planning Inspectorate (PINS) for consideration. Guidance will also be prepared to set out more detail how the 5 year land supply should be calculated.
- 2.11 The facility for PINS to be able to agree an authority's 5 year land supply position is welcomed. This will help to avoid repeated debate on this point at appeals which is costly, time consuming and can result in contradictory conclusions which in turn brings uncertainty for anyone with an interest in the development process.
- 2.12 The White Paper consults specifically on whether authorities taking up this opportunity will be required to apply a 10% buffer to their supply calculation.
- 2.13 **Response:** It is not agreed that this facility should require a 10% buffer to be applied as standard. There is no particular justification for this to be applied and for authorities with an up to date Local Plan, the buffer percentage should be as determined through the detailed process of the Examination. It is considered that the assessment by PINS should seek to confirm both the robustness of the authorities' approach to the 5 year supply calculation and whether the authority has a 5 year supply in place. For the process to work successfully and to avoid delays, PINS will need to be adequately resourced to deliver an efficient service.
- 2.14 **Timescale for implementing consents:** The NPPF is proposed to be amended to state that the default period for implementation of a planning consent will reduce from 3 years to 2 years subject to deliverability and viability considerations.

- 2.15 **Response:** This proposal is supported. It should be expressed in the NPPF that an implementation date exceeding 2 years would be exceptional and should only be applied if it clearly justified for viability or deliverability reasons. This is considered to be important as a complementary measure to the other housing land supply requirements on local planning authorities, such as the requirement to meet OAN in full, the 5 year supply requirement and the new Housing Delivery test, to underline that the development industry will be expected to implement consents promptly.
- 2.16 **Information on build out rates/developers' track record:** Changes to the NPPF would state that the realistic prospect of a site's development and a developer's delivery record should become material considerations when determining planning applications for large scale housing sites. There could also be a duty on developers to provide actual/projected build out information on the planning application form and after consent is granted.
- 2.17 **Response:** Maidstone has a good rate of implementation of planning consents. In Maidstone, the proportion of consents which lapse without implementation is only about 2.1% of the dwellings permitted per year <sup>1</sup>. These rare cases include, for example, where a consent is sought simply as a valuation exercise. The research done when the Council's housing supply position is updated annually ensures such examples are excluded from the projected housing supply. The White Paper's proposal may act to discourage such valuation exercises in the future however it must be borne in mind that the fact that a site has an unimplemented consent does not necessarily indicate that a subsequent application would not be implemented. More information on build out rates would be welcomed as an aid to transparency.
- 2.18 With respect to a developer's delivery record, this needs to be refined to state whether it relates to delivery in the borough or elsewhere. The fact an application is submitted by a landowner or development company which will sell on a consented sites to others does not mean that the site is not suitable for consent; the local planning authority would instead need to take a realistic view of the timing of delivery. The developer providing actual /projected build out information would help with this.
- 2.19 **Appeal fees:** the White Paper seeks views on the suggestion that a fee could be introduced for lodging a planning appeal.
- 2.20 **Response:** Any fee should be graded according to the size of the development. The money raised should be ring-fenced to directly fund the work of PINS to speed up the processing of planning appeals.
- 2.21 The White Paper also announces that local planning authorities will be able to **increase planning application fees** by 20% from July 2017 provided they commit to invest the additional income in their planning departments. This is very much welcomed. There will be future consultation on a proposal to increase this by a further 20% 'for those authorities who are delivering the homes their communities need'. This should be open to authorities with an up to date Local Plan.

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<sup>1</sup> Based on 8 years' data



### **Diversifying and boosting housing supply**

- 2.22 **Small site allocations in Local Plans:** To diversify the supply of housing and in particular to encourage small/medium sized developers, local planning authorities will be expected to have policies that support small windfall sites. A further proposed NPPF change would direct that, in addition to a windfall site allowance, at least 10% of the housing sites allocated in local plans should be 0.5 hectare or less in size.
- 2.23 **Response:** It is generally agreed that having a range of different sizes of sites allocated in a Local Plan can help make the housing land supply more robust and reduce the risk of under-delivery.
- 2.24 **Housing densities:** Proposed amendments to the NPPF will require land to be used efficiently and will direct that building at lower densities should be avoided where there is a shortage of housing land. Plans and individual proposals should capitalise on the scope for higher density development in urban locations whilst also ensuring that appropriate account is taken of local character, accessibility and infrastructure capacity.
- 2.25 **Response:** National policy support to ensure the efficient use of land is welcomed; this is not in the NPPF currently. Local planning authorities should be left to set appropriate development densities in their Local Plans based on their local understanding of the area.
- 2.26 Also, and to note, the NPPF will be amended to give **great weight to the development of brownfield sites within settlements for housing**. It will be important that this does not over-ride local planning policies set out in an up to date Local Plan which ensure sufficient stock and future supply of employment and other commercial land.

### **Local Plans**

- 2.27 **Standardised housing need calculation:** The Government proposes that there should be a standardised methodology for calculating an authority's full OAN. This will help reduce the debate about the correct OAN figure during local plans' preparation and examination. Options for the proposed methodology (and what the justifiable reasons for diverting from it would be) will be the subject of future consultation. The White Paper indicates that for authorities without an up to date Local Plan, the 5 year supply calculation should be based on the OAN figure resulting from the new methodology from April 2018 onwards.
- 2.28 **Response:** It is crucial that the new approach should not disrupt the OAN agreed within adopted, up to date Local Plans. Overall, however, the introduction of a standardised methodology is welcomed as it will reduce the contention associated with establishing the OAN figure in the future. The methodology should provide for a consistent approach to in/out migration flows. In particular, South East authorities' population projections are strongly influenced by out-migration from London but the projections used by the Greater London Authority differ from those prepared on a national

basis by the Office of National Statistics. This results in uncertainty and much debate at Local Plan examinations about how out-migration should be attributed and the issue is currently being dealt with in an incremental and inconsistent basis in South East authorities' individual plans. This issue should be specifically addressed in the new guidance.

- 2.29 **Green Belt:** The options a local authority should fully explore before proposing to amend its Green Belt boundaries are to be set out in the NPPF. In addition to making effective use of brownfield and public land and optimising densities, Green Belt authorities would be required to approach other authorities to see if they could help meet their identified development requirement before considering the release of Green Belt land in their own areas to meet their housing needs.
- 2.30 **Response:** Elsewhere in the White Paper proposes that when a Green Belt Review is undertaken, this should look first at using previously developed land and/or land which surrounds transport hubs. It is considered that these avenues could represent highly sustainable options for meeting development needs within the authority area. They should precede approaches to other authorities particularly as relying on other authorities' plans at differing stages of preparation may not be as conducive to boosting housing land supply in a timely way. A Green Belt Review will necessarily test sites for their contribution to the five purposes of the Green Belt<sup>2</sup> to ensure development would not undermine the Green Belt's function.
- 2.31 **Proportionate evidence base guidance.** The White Paper is seeking views on how the NPPF could be amended to more clearly define what would constitute proportionate evidence to support a sound Local Plan.
- 2.32 **Response:** Clearer guidance on this point would be welcomed. The Examination process can be lengthy and costly and local planning authorities have to manage the risk of how much and to what depth evidence is prepared. Guidance on what would constitute a sufficient Sustainability Appraisal (SA) would be particularly valuable.
- 2.33 **Proportionate consultation and examination procedures.** The Government is requesting ideas for how to make consultation and examination procedures proportionate
- 2.34 **Response:** Imposing a duty on statutory agencies to engage at an early stage of the Plan making process and to provide the information needed to evidence the Plan could help to expedite the plan preparation process. Statutory agencies, including infrastructure providers, could be required to provide the evidence they hold which could impact on the preparation of a Plan as soon as it is available.
- 2.35 In addition to these consultation matters, the White Paper affirms that the **planning system will continue to be Plan-led**. Regulations will be put in place **to require Local Plans to be reviewed, in whole or in part, at least once every 5 years**. Linked to this are the provisions of the Neighbourhood Planning Bill currently before Parliament which will place a

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<sup>2</sup> NPPF paragraph 80

duty on local planning authorities to have a plan in place containing key strategic planning policies. Currently, there is no statutory duty on local planning authorities to prepare a Local Plan. With the established emphasis on the delivery of housing numbers (OAN and 5 year supply) and the emerging requirement that this is achieved consistently at the necessary rate (the new Housing Delivery Test), an up to date Local Plan containing detailed site allocations is instrumental in avoiding planning by appeal.

### **Affordable Housing**

- 2.36 **Definition of affordable housing and 10% affordable home ownership requirement.** The current NPPF definition of affordable housing includes social rented housing, affordable rented housing and intermediate housing (including shared equity homes). The definition is proposed to be expanded to encompass starter homes, discounted market sales housing and affordable private rent housing.
- a. **Starter homes** were introduced through the Housing and Planning Act 2016, which defines a starter homes as a new dwelling which is available for purchase by qualifying first-time buyers only, which is to be sold at a discount of at least 20% of the market value, and which is less than the price cap set (i.e. £250,000 outside of Greater London). An addition to the Act's definition is a proposal to limit a person's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (outside Greater London). Some or all of the discount will be repaid if the property is sold within 15 years. The White Paper explains that the income cap is to "make sure that starter homes are available to those that genuinely need support to purchase a new home, and the cap is in line with shared ownership products.
  - b. **Discounted market sales housing** is sold at a discount of 20% below local market value and eligibility is determined with regard to local incomes and local house prices. Discounted market sales housing should include provisions to remain at a discount for future eligible occupants. (For starter homes secondary legislation is expected to introduce a sliding scale discount for re-sales),
  - c. **Affordable private rent housing:** properties are made available for rent at 20% below market rent. Eligibility is determined through local incomes and local house prices, and the discount should remain in place for future eligible households, or alternative provision made. This product is most suited to Build to Rent Schemes, which are purpose built homes for private and affordable rented accommodation.
- 2.37 The government intends to amend the NPPF to introduce a clear policy expectation that housing sites deliver **a minimum of 10% affordable home ownership units on sites of 10+ units or greater than 0.5ha.** The Government considers that this strikes an appropriate balance between providing affordable homes for rent and helping people into home ownership. Also, to note, the requirement previously proposed by the

Government that 20% of homes on a site (above the defined thresholds) should be starter homes has not been carried forward into the White Paper.

2.38 **Response:** The proposals which widen the scope of affordable housing with a particular emphasis on affordable ownership products is welcomed but this will not meet the requirements of those in the most acute housing need. The Government should also indicate how it will support the delivery of products for those who will never be able to afford to buy their own homes. There also appears to be some overlap between the definitions being proposed and the distinction between similar products. This could be made clearer. This would include clarification about what products constitute as 'affordable home ownership' for the purposes of the 10% requirement which is being proposed. In addition it was a characteristic of affordable homes that they would remain affordable in perpetuity. There is a lack of detail in the White Paper as to how these homes will remain discounted in future years and until this point is clarified there is a concern that the homes will not remain affordable for future buyers.

2.39 **Exceptions sites.** Proposed changes to the NPPF would give stronger support for rural exceptions sites that provide local needs affordable housing to make clear that these should be considered positively even if an element of market housing is needed to cross-subsidise the affordable element.

2.40 **Response:** The positive policy support for exceptions sites is welcomed subject to the amended guidance making clear that any market housing element should be the minimum needed to achieve the required local needs housing.

### **Further Points for Noting**

2.41 The White Paper signals that the Government will announce its proposals for reforming (simplifying) the system for **developer contributions including the Community Infrastructure Levy (CIL)** as part of the Autumn Budget 2017. The White Paper also indicates that it will consult on standardised open book s106 agreements and increased transparency in the monitoring of the implementation of agreements.

2.42 **Funding for neighbourhood groups:** the White Paper also announces that Government will make additional funding available in 2018-20 to those preparing neighbourhood plans to support the process. The details of this funding are awaited.

---

## **3. AVAILABLE OPTIONS**

3.1 Option A: the Committee could decide that no consultation response should be submitted.

3.2 Option B: the Committee could decide to submit a consultation response on the White Paper based on the content of the responses in the preceding section.

---

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option B is the preferred option. Submitting a consultation response will ensure that the Council's viewpoint can be taken into account as the Government finalises its proposed changes to the planning system and policy.

---

#### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 A Member workshop is booked for 20<sup>th</sup> April 2017 at which the content of the White Paper will be presented and discussed. Thereafter, it is proposed that the Chair and Vice Chair of the Strategic Planning, Sustainability and Transportation Committee and of the Communities, Housing and Environment Committee (to cover the Housing aspects) be asked to agree the Council's response to the White Paper consultation in order that this can be submitted by the 2<sup>nd</sup> May deadline.

---

#### **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The Housing White Paper's proposals will impact on the Council's planning and housing functions which themselves have a key role in delivering the Council's corporate priorities	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	This is a consultation process on national policy changes. The risk to the Council of responding to, or choosing not to respond to, the consultation is minimal.	Rob Jarman, Head of Planning & Development
<b>Financial</b>	The White Paper announces increases in planning application fees which will impact on the Council's income from this source.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	The preparation of the consultation response can be accommodated within existing	Rob Jarman, Head of Planning &



	staff resources.	Development
<b>Legal</b>	There are no specific legal implications arising from this report.	Estelle Culligan, Interim Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	There are no specific EIA requirements arising from this report	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	Changes to national planning policy will directly impact on the delivery of sustainable development in the borough through the development management process and the formulation of local planning policy.	Rob Jarman, Head of Planning & Development
<b>Community Safety</b>	There are no specific impacts arising from this report.	Rob Jarman, Head of Planning & Development
<b>Human Rights Act</b>	There are no specific impacts arising from this report.	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	There are no specific impacts arising from this report.	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	There are no specific impacts arising from this report.	Rob Jarman, Head of Planning & Development

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## 7. BACKGROUND PAPERS

The Housing White Paper can be viewed here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

## Strategic Planning, Sustainability and Transportation Committee

**11 April 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## South Eastern Rail Franchise Public Consultation: Shaping the Future - March 2017

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman – Head of Planning and Development
<b>Lead Officer and Report Author</b>	Andrew Thompson – Principal Planning Officer (Spatial Policy)
<b>Classification</b>	Public
<b>Wards affected</b>	All

### This report makes the following recommendations to this Committee:

1. That the draft response (Appendix B) is approved for submission to the consultation, subject to any amendments agreed by this Committee.

### This report relates to the following corporate priorities:

- Securing a successful economy for Maidstone Borough

### Timetable

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	11 April 2017

# South Eastern Rail Franchise Public Consultation: Shaping the Future - March 2017

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The South Eastern Rail Franchise is due to expire in December 2018. The Department for Transport (DfT) now seeks input from stakeholders as regards the current service and the priorities for the next franchise period. The consultation poses a series of questions, and seeks views on a number of specific measures. The consultation document is provided at Appendix A and the draft response is set out at Appendix B.
  - 1.2 This Committee previously provided comments to the Kent County Council consultation on the new South Eastern Rail Franchise (March 2016) and these, together with the objectives of the Integrated Transport Strategy (ITS) form the basis of the draft response where appropriate.
  - 1.3 Councillors are recommended to approve the response, subject to any amendments deemed necessary.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The South Eastern Rail Franchise serves passengers in south east London and parts of Kent and East Sussex. The franchise is principally a commuter service with around 90% of journeys either to or from London and around 65% of passengers travelling at peak times. The current franchise, awarded to Southeastern, was extended in 2014 but will expire in December 2018.
- 2.2 The next franchise period will run to at least 2025 (potentially up to 2028) and, as part of the process of awarding the new franchise, the DfT is undertaking consultation with stakeholders and passengers to inform this process.
- 2.3 The DfT consultation document describes the current network as comprising three distinct segments:  
  
**Metro routes** - serving commuters within and just outside Greater London;  
**Mainline routes** – longer distance routes connecting London and parts of Kent and East Sussex; and  
**High Speed routes** – HS1 between Ashford and St. Pancras with connections to other Kent towns.
- 2.4 Maidstone town is directly affected by a number of key “mainline” routes, providing services to London, but also to Tonbridge, Ashford and the Medway Towns. Mainline routes also serve each of the Rural Service Centres. Changes to the routes, frequencies and overall quality of services as part of the next franchise award could therefore have significant implications for rail connectivity and services in the borough.

- 2.5 The DfT consultation recognises that many of the services are crowded at peak times and that customer satisfaction with the services has steadily deteriorated over recent years with overcrowding, delays and cancellations and customer services the primary causes for this. Given the scale of growth anticipated in London and the South East of England in the coming years, it is clear that a robust response is required to deliver additional capacity and improve customer satisfaction with services.
- 2.6 In response therefore the consultation document proposes a series of generalised measures to increase capacity at peak times including the provision of longer trains, increasing the proportion of “metro” style trains (which provide fewer seats but more standing space) and the removal of first class seating areas. The draft response (Appendix B) sets out that these measures are supported in principle, but recognises that “metro” style trains may not be suited to longer distance journeys.
- 2.7 In regards to new services, the consultation confirms the current plan for the new Thameslink service from Maidstone East to London Blackfriars and the “priority” to take full advantage of this route is to be welcomed. The consultation seeks views the extension of the High Speed service from St. Pancras to Hastings, Bexhill and Rye via Ashford however the impact of this service on Maidstone would be limited.
- 2.8 To reduce journey times, the consultation seeks views on reducing stops at intermediate stations along key routes, and specifically cites the Tonbridge to Ashford route which serves the Rural Service Centres of Marden, Staplehurst and Headcorn. The Maidstone Integrated Transport Strategy (ITS) sets out that the Council will resist any reduction to the speed or frequency of services from these stations and therefore the draft response reflect this.
- 2.9 The consultation also seeks views on any additional services which stakeholders would wish to see delivered. The ITS sets out a series of specific proposals to bring services to London more in line with those experienced in neighbouring authorities, and these were reflected in this Committee’s response to the KCC consultation on the matter in March 2016. These proposals and priorities are therefore also reflected within the draft consultation response.
- 2.10 The consultation identifies a series of general measures to improve access and facilities and these are to be welcomed. In line with wider ITS objectives to improve interchange facilities and encourage modal shift, the draft response emphasises the need for door to door (multi-modal) journey planning, and potentially ticketing, to take account of local bus networks, walking and cycling infrastructure and, where necessary, commuter car parking. Again, the draft response reflects the specific proposals and priorities set out in the response to the KCC consultation last year.

### 3. AVAILABLE OPTIONS

3.1 **Option A:** Approve the draft response (Appendix B), subject to any amendments deemed necessary by this Committee, for submission in response to the DfT consultation.

3.2 **Option B:** Do not submit a response to the DfT consultation.

---

### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option A is preferred as it is considered important that the Council engages proactively with this consultation in order to shape the next franchise agreement. In doing so, it is appropriate to reflect the priorities for rail infrastructure identified within the ITS.

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### 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 This Committee has previously considered priorities for rail infrastructure through the development of the ITS and the outcome of this work can now shape the Council's input to this DfT consultation.

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### 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If this Committee approves the draft response for submission, subject to any amendments deemed necessary, the response will be sent before the closing date of 23 May 2017.

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### 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	This report has regard to strategic proposals by the DfT that will affect the rail network in Maidstone Borough over the medium to long term.	Rob Jarman – Head of Planning and Development
<b>Risk Management</b>	The response will ensure the Council's views and ITS priorities can be taken into account as the new franchise is further developed.	Rob Jarman – Head of Planning and Development
<b>Financial</b>	The cost of inputting to the consultation process will be contained within existing service budgets.	Rob Jarman – Head of Planning and Development
<b>Staffing</b>	No staffing implications. This will be managed with existing	Rob Jarman – Head of



	staffing resources.	Planning and Development
<b>Legal</b>	No legal implications.	Estelle Culligan, Interim Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	The consultation recognises the need to improve accessibility and facilities at stations. No specific proposals are identified in respect of services and therefore the consultation proposals are not detailed enough to raise any concerns.	Rob Jarman – Head of Planning and Development
<b>Environmental/Sustainable Development</b>	Regulatory processes in respect of this matter have been followed.	Rob Jarman – Head of Planning and Development
<b>Community Safety</b>	No implications.	Rob Jarman – Head of Planning and Development
<b>Human Rights Act</b>	The consultation proposals do not raise any concerns.	Rob Jarman – Head of Planning and Development
<b>Procurement</b>	No implications.	Rob Jarman – Head of Planning and Development
<b>Asset Management</b>	No implications.	Rob Jarman – Head of Planning and Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: South Eastern Rail Franchise Public Consultation – Shaping the Future (March 2017)
- Appendix B: Draft response to South Eastern Rail Franchise Public Consultation – Shaping the Future (March 2017)

## 9. BACKGROUND PAPERS

None





Department  
for Transport



# South Eastern Rail Franchise Public Consultation

Shaping the Future

March 2017





Department  
for Transport

# South Eastern Rail Franchise Public Consultation

Shaping the Future

March 2017



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# 1

## Introduction



# 1. What is this document for?

This document sets out proposals to improve your train service on the South Eastern rail network. The contract for the current train service operator expires in December 2018, and we need to find the next operator to run the service.

Throughout this document the arrangement we have with the service operator is referred to as a franchise.

This is a consultation document and we would like to hear your views on the service now, as well as your thoughts on how to improve it in the years to come. Please read this consultation document all the way through and then, in the response form, give us your answers to our questions.

You can fill in the printed response form and post it to us, or you can respond online, or by email. Full details are at Section 9. We must receive your response by 23 May 2017.

We also encourage you to attend one of our consultation events, the details of which are on page 40 and 41.

In this document:

**We explain why we are running a competition to find the next operator and the benefits this will bring**

**We set out our priorities for improving your service**

**We seek your views on these priorities and the options for improving your service**

In the response form we have shown which section of the document covers the issues raised by each question. Please refer back to these sections as you answer the questions.

?

Throughout this document you will see a number of questions in boxes, looking like this. These questions relate to the response form that comes with this document.





# 2

Foreword



## 2. Foreword by the Transport Secretary

### The Rt Hon Chris Grayling MP

Secretary of State for Transport



Services on the South Eastern rail network have been unacceptably poor for far too long. Passengers have endured disruption, overcrowding and delays, particularly during redevelopment work at London Bridge station, and they deserve better. That is why this consultation is so important.

Appointing a new franchise operator from 2018 provides us with a great opportunity to sort out the problems which have plagued the South Eastern network, and deliver the high quality of service that customers expect. We are going to do things differently. I want passengers to enjoy more space and comfort, more and better communication with the operator, and a consistently reliable performance.

These will be our objectives with the new franchise, and with your help and advice, we will achieve them.

We are already delivering significantly more investment to renew the infrastructure but, to realise the sustained improvement in services that passengers rightly demand, we also need to modernise the way the railway is managed.

I recently set out my vision for bringing together the different organisations who maintain the tracks and run the trains, so they can work in a more joined-up way. I want Network Rail and franchise operators to form a closer partnership, and work as one team with a shared focus: to deliver a better railway for passengers. I want this 'one team' approach to begin with the South Eastern franchise.

As passengers know, South Eastern is a huge and complex operation, serving south east London as well as towns and villages across Kent and parts of East Sussex. Services run on new High Speed tracks as well as slower lines built in the Victorian era. They carry around a quarter of a million people a day on over 1,900 trains – the equivalent of transporting the combined population of Maidstone, Ashford and Hastings – and it is getting busier as new homes are built and jobs created.

So, appointing the right operator to run the franchise is vitally important. This is our chance for a fresh start with South Eastern – so I welcome your comments.

### Reliable, high quality passenger services

First, our ambition for South Eastern is to create **more space for passengers**. In this consultation we explore the potential for running longer trains and upgrading or replacing the older trains used in and around London. This will come alongside the completion of two massive enhancement schemes – the Thameslink Programme and the Elizabeth Line – which will soon provide a huge increase in commuter seats in London, including the South East.

Second, action must be taken to **reduce delays**. I will require the train operator to form an alliance with Network Rail, the company that provides and maintains the railway. They will work together with the job of ensuring that trains run on time for passengers. And when unexpected and unavoidable delays do happen, **improved compensation arrangements** will offer a simpler repayment system, so that passengers feel they have been treated fairly when a journey is disrupted.

Third, the new operator should make better use of technology to serve passengers better. This will include things such as **smarter payment systems** – including mobile phones – moving away from the traditional paper ticket. By the start of the next franchise in 2018 over 125,000 South Eastern passengers will have the opportunity to transfer to a new, Government-funded smart ticket system, and this will grow.

Our plans include **improved customer service**. Passengers rightly expect to be treated as individuals and for staff to be able to respond quickly and effectively to their needs. In return, I want to see greater staff involvement in running the company for which they work, including strategic decision making at the highest levels and, potentially, sharing in the success of the service.

These transformative plans will require **innovative approaches by the rail industry**. The train operator will need to form new partnerships to deliver the service passengers expect – for example with organisations with a reputation for excellence in customer service. I will also seek to encourage **additional private sector investment** in infrastructure development, which could involve faster, more reliable journeys and new commercial, community and residential developments at stations.

Finally, I am open to considering **more radical approaches**. This will include considering whether the current length of franchises, as well as their size and the area they serve, provides the best outcomes for passengers.

## I want to hear your views

In this document you will read more about our plans to improve the daily travel experience for passengers in south east London, Kent, the Medway towns, and East Sussex. Longer trains, stronger performance, and smarter services. I am always open to ideas for delivering better services to passengers. I encourage you to take this opportunity to respond to the consultation and I look forward to hearing from you.







3

Current service

### 3. The current South Eastern service

- 3.1 The South Eastern franchise is one of the largest in the UK, operating over 1,900 services each weekday. It is principally a commuter railway, with around 65% of passengers travelling at peak times; however, there are also important business and leisure flows. It serves passengers in south east London and parts of Kent and East Sussex.
- 3.2 The majority of journeys on the franchise (around 90%) are either to or from London, using multiple routes serving central London and a choice of terminals. The franchise includes services to Charing Cross, Cannon Street, Blackfriars, Victoria and St. Pancras, with intermediary stops at London Bridge and Waterloo East. Local connectivity is provided by the Sheerness and Medway Valley branch lines; these are the only routes that do not start or end in London.
- 3.3 The South Eastern franchise can be viewed as three distinct segments:
- **Metro routes:** the commuter services that operate within or just outside the Greater London area. These routes serve south east London, Hayes, Dartford and Sevenoaks.
  - **Mainline routes:** the longer distance services operating between London and parts of Kent and East Sussex.
  - **High Speed routes:** between St. Pancras and Ashford, and linking towns in Kent such as Folkestone, Dover, Ramsgate and Canterbury.



		Passenger journeys (millions per year)		
Train operating company		2013/14	2014/15	2015/16
①	Govia Thameslink Railway	300	312	327
②	South West Trains	223	230	238
③	London Overground	136	140	183
④	Southeastern	179	186	182
	of which, Metro	(113)	(117)	(115)

**Figure 1: Passenger journeys by train operator (Office of Rail and Road)**

- 3.4 A map of the South Eastern network is shown overleaf.
- 3.5 There were more than 180 million passenger journeys in the financial year 2015/16, making it the fourth largest franchise behind Thameslink, Southern and Great Northern (operated by Govia Thameslink Railway, or “GTR”), South Western (operated by South West Trains) and London Overground. South Eastern Metro services alone carry around two thirds of the number of passengers as the London Overground, and are comparable in scale to a major London Underground line, such as the Circle line.







3.6 Three main types of train are currently used on the South Eastern network (see figure 2):

- The Javelin (left) is a modern, high speed train, introduced in 2009 for the launch of High Speed services between London and Kent.
- The Networker (middle) was built in the early 1990s and is used on Mainline and Metro routes. It typically has seats in rows of three and two, separated by the aisle.
- The Electrostar (right) is a more modern fleet, built in the early 2000s. It is predominantly used on Mainline routes; however, one version has fewer seats and larger doors to allow rapid boarding, and more standing areas. It is therefore better suited to busy Metro routes.

3.7 The High Speed service has been an extraordinary success. Opened in full in 2007, High Speed 1 is the first high-speed railway in the UK capable of operating at speeds of up to 140 miles per hour for domestic services. This has led to a dramatic improvement in the commuter service between London and Kent and, consequently, demand has soared. The service is now crowded during peak hours, and providing more space is a priority.



Figure 2: Southeastern rolling stock types.

## 1. London Bridge redevelopment

London Bridge is the fourth busiest station in the country, serving 54 million passengers each year. The redevelopment is transforming London Bridge, building a new concourse, more platforms and creating a bigger, better station for passengers.

These changes will allow more Thameslink trains to run through London Bridge, and some current South Eastern routes in Kent can expect new cross London links (see Box 3 on page 24 for detail). The redevelopment of London Bridge is now in its final phase – platforms 1-3 have closed until January 2018 while they are rebuilt. Cannon Street services cannot stop at London Bridge while this work is taking place.



## Recent improvements to the service

3.8 The current franchise has been in place since April 2006. It is operated by London and South Eastern Railway (LSER) Limited, a joint venture between Go-Ahead and Keolis, under the brand name of Southeastern. The franchise was extended in 2014 to enable Southeastern to draw on its experience of running services during the significant rebuilding works at London Bridge (Box 1). The redevelopment works will be complete by January 2018, in time for the start of the new South Eastern franchise.

3.9 Since 2014, as part of the franchise extension, Southeastern has committed to, and delivered, a programme of improvements to the train service. The highlights are as follows:

- Operations:
  - More customer facing staff, including 100 new staff members, provided across the network.
  - A deep cleaning programme and general improvement works at stations.
  - A refresh of more than 300 trains.
  - Additional capacity with 95,000 additional seats introduced on services, including 1,050 additional seats on High Speed services.
- Services and connections:
  - Improved connections between London, and north and east Kent through a new hourly high-speed service via Gillingham, Ramsgate, Dover and Ashford.
  - High Speed services calling at Snodland, Martin Mill and Walmer for the first time, along with extra High Speed services for Margate, Broadstairs and Ramsgate.

- A peak-time Hastings Business Express service providing faster journeys into London, saving up to 10 minutes on previous journey times.
- New direct services between Maidstone East and Blackfriars, and between Sheerness-on-Sea and London Victoria.
- Extra evening and weekend services between Dartford and London Victoria.
- Ticketing:
  - The extension of Oyster card acceptance to Dartford and Swanley, and the introduction of Oyster on the High Speed service between St. Pancras and Stratford International.

3.10 During the remainder of the franchise the Government will be delivering on three commitments to improve the customer service, along with a freeze in fares in real terms over the life of this Parliament:

- Extended **smart ticketing** was introduced in December 2016. Passengers can now swap their paper Season Ticket for the new smart card called 'The Key' - initially for weekly, monthly, and annual point-to-point, or Travelcard Season tickets. The next phase is to offer season tickets that benefit those who don't travel daily.
- **On train Wi-Fi** will start to be installed across the whole Southeastern fleet from 2017. It is currently expected that the majority, and possibly the whole fleet, will be fitted by the end of 2018.
- Currently passengers can claim **compensation** if their train is delayed by more than 30 minutes. This will be reduced to delays of more than 15 minutes with the new operator.





# 4

## Challenges



## 4. Challenges facing the South Eastern service

- 4.1 There are a number of challenges facing the train service on the South Eastern network. Many of these are the same challenges that thriving cities all over the world face. Some of them apply specifically to the rail infrastructure and geography of London and the south east.

### Train service

- 4.2 Services on the South Eastern network are complex, with many stations offering multiple routes into central London and a choice of London stations including Charing Cross, Cannon Street, Blackfriars and Victoria, with intermediate stops at London Bridge and Waterloo East. For example, services from Lewisham run to Cannon Street, Charing Cross and Victoria. While this increases direct journey opportunities for passengers, it also introduces operational complexity, requiring trains to cross complex and busy junctions. This is a major contributor to delays, and makes it much harder to recover the service when things go wrong.
- 4.3 The high proportion of passengers travelling at peak times leads to overcrowding, which is an understandable cause of frustration for passengers. The time taken for large numbers of passengers to board and alight from busy trains can also lead to trains being delayed, with knock on consequences for other services. Elsewhere, and including on the London Overground network, the introduction of high capacity carriages with wider doors and quicker access, carrying more passengers, has been very popular and has helped reduce overcrowding.

### Infrastructure

- 4.4 The South Eastern network includes one of the most modern, reliable and popular services anywhere – High Speed services running between London and Kent. It also includes some of the oldest lines in the country, which were built by the Victorians as far back as the 1830s without considering that they would still be operating nearly two centuries later. The collapse of the Dover sea wall in 2015 provided a dramatic example of the ageing infrastructure (Box 2).
- 4.5 With this in mind, it is of note that the reliability of the network is as high as it has ever been. The programme of infrastructure enhancements and maintenance by Network Rail has meant that there is more capacity, with fewer failures of track, junctions and signals, than ever before.

### 2. The collapse of the Dover sea wall

On Christmas Eve 2015, the sea wall and 250 metres of track between Dover Priory and Folkestone Central collapsed. The railway at this location was originally built by the Victorians on a timber viaduct. The extent of the damage meant that it was necessary for Network Rail to build a new 235 metre-long viaduct, supported by more than 130 concrete columns. Following major repair work, the railway line between Dover and Folkestone was re-opened in September 2016, three months ahead of schedule.

- 4.6 The design of the railway also presents challenges to running a reliable, efficient service, for example:
- Most lines have two tracks, one in each direction. This means that if a train is delayed, or breaks down, all following services are impacted.
  - Complex junctions at key points such as London Bridge and Lewisham require trains to cross over other tracks to reach their destination. This can lead to queueing and delays.
- 4.7 The final destination for most passengers is one of the London terminals and there is a constraint on the number of trains it is possible to operate per hour, given that passengers must safely disembark before the train fills with passengers for the next service. There are also constraints on the length of trains at some locations; for example, some platforms at Victoria can only accommodate 8 carriage trains, rather than the longer 10 or 12 carriage trains required for many commuter services.
- 4.8 When trains are not being used, they are moved to sidings for storage, or depots for cleaning, inspection and maintenance. Locations for this include Gillingham, Ashford, Faversham, Slade Green and Victoria. Depots are operating at, or near capacity, which means that new ones may need to be built to enable more, or longer, trains to be introduced on the network.

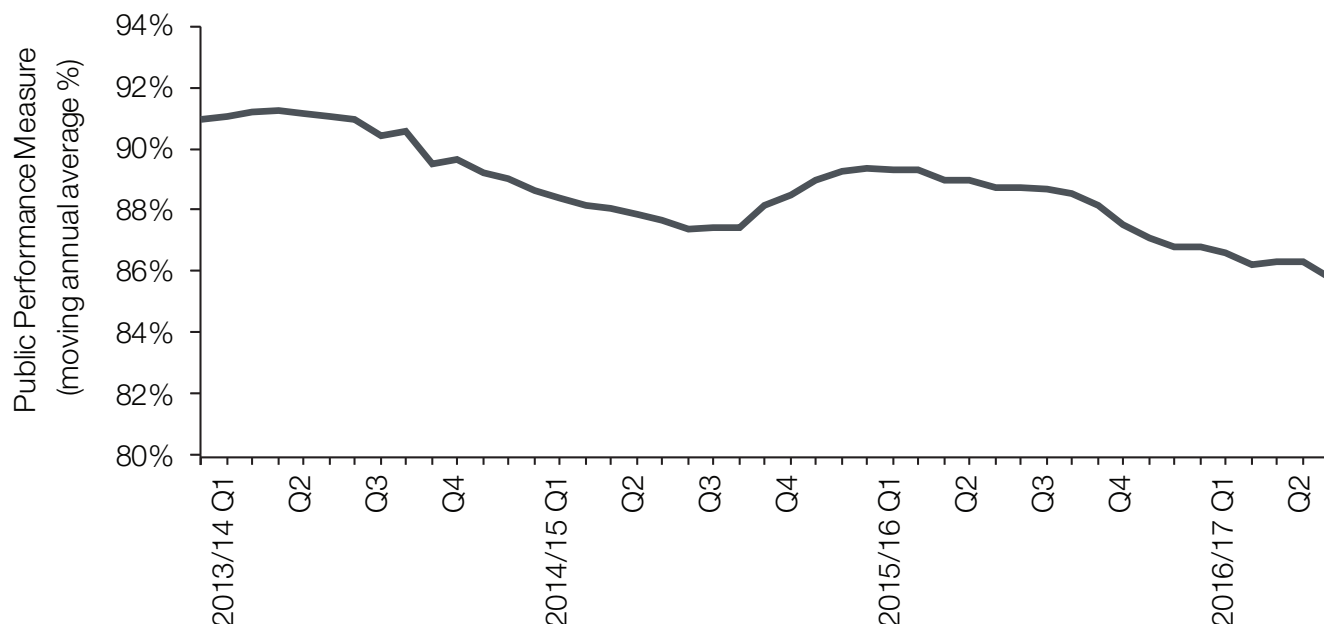
## What effect does this have?

- 4.9 Around 500,000 journeys are made on the South Eastern network each day. But trains on commuter routes are very busy at peak times, and are getting busier. Even small delays can have knock-on consequences for other services and, because the timetable is optimised to provide as much capacity as possible into London, once things start to go wrong, it is often difficult to recover. Providing services to multiple London stations, on complex infrastructure increases the challenge of operating a simple, efficient and reliable timetable. The redevelopment works at London Bridge have contributed to the challenge, although they will enable improvements in performance when they are complete. The result of this is that the proportion of trains arriving on time has fallen in recent years (see figure 3). This has had an impact on passenger satisfaction which is below the average for other networks in London and the south east of England<sup>1</sup>.
- 4.10 Many stations, not just those in London, have capacity issues at the busiest times, with small concourses and pinch points impeding the flow of passengers. They were not designed to cope with the numbers of passengers we see today.

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1. The Autumn 2016 National Passenger Survey reported that 77% of Southeastern passengers scored their overall satisfaction as 'satisfied' or 'good', which is below the average of 80% for London and South East train operating companies.





**Figure 3 Public Performance Measure: South Eastern Moving Annual Average**  
(Trains arriving within five minutes of the scheduled time at their final destination).

## The longer term

4.11 The South Eastern network is central to the economic success of the places it serves. The population of London is set to rise from 8.6 million to 10 million people by 2030, while the population in the adjacent travel to work areas of south east and eastern England is expected to increase from 15 million to 17 million people over the same period. This will mean that more passengers will wish to use rail services in the future, when peak hour commuter services are already crowded.

4.12 As well as a general increase in demand for rail services, large residential developments are being built, or planned, in the South Eastern franchise area which are likely to create increased demand for rail services. These are:

- The City in the East, which aims to promote the development of the east of London from London Bridge, through the Isle of Dogs and Greenwich Peninsula, to Bexley and Thamesmead. The identified areas have potential to provide at least 200,000 new homes, of which around 36,000 are in the South Eastern franchise area.

- Ebbsfleet Garden City, which could provide up to 15,000 homes. In 2015, the Government announced a £300 million fund to accelerate the development.
- The Thames Gateway project, which aims to boost the economy of the whole Thames estuary region, includes plans for up to 160,000 homes. The main concentrations of population are in Medway and in the towns of Dartford, Gravesend, and Sittingbourne.
- The Hastings and Bexhill area.
- Otterpool Park in Shepway.

4.13 The general increase in the population in London and the south east, along with the specific new developments mentioned above, will support growth and enhance the economy. The challenge will be for the next South Eastern train operator, working with Network Rail, to provide services that meet the increased demand.





5

Improvement



## 5. Options for improvement

### Introduction

5.1 Every day, many thousands of people use the South Eastern network to travel to their place of work or study, or for leisure. Everyone wants to travel on a clean, modern train, and to arrive on time. The franchise for the current train service operator expires in December 2018, and we need to find the next operator to run the service. We are currently planning that this will last until around 2025-2028, in line with the current model of franchises of 7-10 years, which incentivises the operator to improve the service and invest in new trains. Our objectives will address the needs of passengers across every part of the South Eastern network, from London to the coast of Kent and East Sussex.

5.2 We have undertaken a number of activities to prepare for the new franchise. They include:

- A review of the existing franchise and an assessment of the opportunities and challenges presented in the next one.
- Work with Transport Focus and London TravelWatch, the independent transport watchdogs, to understand what improvements passengers want to see.
- Close collaboration with Network Rail to understand the impacts of its current investment programme, and the options for infrastructure upgrades during the next franchise.
- Meetings with local authorities, Transport for London and passenger groups to ensure their priorities are reflected in our plans.

5.3 Our research shows that customer satisfaction has been falling in recent years, mainly because of overcrowding at peak times, and delays and cancellations to trains. Customer service is also an issue, including the provision of information to passengers during disruption. The following issues are also considered important:

- Some passengers would like an increased staff presence late at night to make them feel more secure on the railway.
- Oyster-style contactless payment ‘smart cards’ and part-time season tickets are widely desired.
- Increasingly, passengers within Greater London and beyond view their journey as part of the ‘wider London transport system’; interchange with the London Underground and Overground, the Docklands Light Railway, buses, taxis, walking and cycling is viewed as an area for improvement.

5.4 Based on what we have heard so far, our priorities are:

- Making trains run on time.
- Providing more space for passengers – to cater for an increasing demand for rail travel, with more and more people wanting to use trains within Greater London and on High Speed routes in particular.
- Improving passenger satisfaction on Mainline and Metro services.
- Limiting the number of late-running or cancelled trains.
- Improving communication for passengers, particularly when things go wrong.
- Optimising current and planned infrastructure to add services, lengthen trains and reduce journey times where possible.
- Taking full advantage of the new Elizabeth Line and Thameslink routes to provide more capacity, and revise service patterns.

1

Do our priorities correctly reflect your views?

## Challenges

Addressing known challenges on the franchise is critical; our research has clearly shown where the challenges lie. We want bidders to be innovative and creative in tackling them. And we want your opinions too.

Challenges	Issues to address:	Questions for you
To introduce longer trains	<p>Journeys made on Metro and High Speed services are likely to rise.</p> <p>Options may include:</p> <ul style="list-style-type: none"> <li>• Extending Metro trains to 12 carriages, rather than 10 or 8.</li> <li>• Providing more seats on High Speed services.</li> </ul> <p>Before introducing longer trains, thought needs to be given towards the constraints of the infrastructure, including the need for longer platforms, and at stations which can reach capacity at the busiest times of the day.</p> <p>We will encourage bidders to provide solutions, so the network is able to carry more passengers at the busiest time, with no compromise on punctuality.</p>	<p>2</p> <p>Do you agree that more space is needed for passengers at the busiest times of the day?</p>
To reconfigure/rearrange/redesign/adapt trains	<p>Through the use of modern high capacity trains on certain London Underground lines and on London Overground, we know that redesigning the layout of trains is a solution to achieving optimal capacity.</p> <p>Current options include:</p> <ul style="list-style-type: none"> <li>• New high capacity Metro style carriages on the busiest routes.</li> </ul> <p>Through this redesign, we want to be able to deliver:</p> <ul style="list-style-type: none"> <li>• A better balance of seating and room for standing passengers.</li> <li>• Space for wheelchairs and pushchairs on shorter journeys.</li> <li>• Speedier boarding and alighting at stations.</li> </ul> <p>A further consideration is the existing provision of First Class seating. We recognise that First Class tickets remain popular on certain routes, notably on the South Eastern main line to Sevenoaks, Tonbridge and Tunbridge Wells. However, removing it would create more room for passengers, which would be important during peak hours.</p>	<p>3</p> <p>What comments, if any, do you have on options for providing more space through:</p> <p>a) Longer trains; and</p> <p>b) Metro style carriages with larger entrances and more standing room and handholds?</p> <p>4</p> <p>Would you support removing First Class seating on the busiest routes to provide more space?</p>

Challenges	Issues to address:	Questions for you
To improve customer service	<p>Improving:</p> <ul style="list-style-type: none"> <li>• Journey planning.</li> <li>• Ticket purchase.</li> <li>• On-board experience.</li> <li>• Provision of information before, during and after the journey.</li> <li>• Communication during disruption.</li> <li>• Dealing with complaints.</li> <li>• Providing compensation when things go wrong.</li> </ul>	<p>5</p> <p>What comments, if any, do you have on our plans to improve customer service and the overall passenger experience?</p> <p>6</p> <p>Do you have any other ideas or priorities for improving customer service?</p>
Simplifying fares and ticketing	<p>Ticket buying habits are changing with more people purchasing from ticket machines and increasingly on smart media rather than purchasing at the station ticket office.</p> <p>We want to</p> <ul style="list-style-type: none"> <li>• Provide passengers with widespread and easy access to the full range of tickets.</li> <li>• Ensure that they have all the information they need to select and purchase the most appropriate ticket for their journey.</li> </ul> <p>The future operator will be expected to work with partners to introduce more modern ways for people to pay for their journey, such as pay as you go or barcode solutions. This includes: making greater use of new technology; improving station ticket retailing; and considering the role staff play in providing the best possible passenger experience.</p>	<p>7</p> <p>What changes to the fares structure would be of benefit to you?</p> <p>8</p> <p>What else could be done to improve the way tickets are sold and provided?</p>



## Challenges

### To improve access and facilities at stations

### Issues to address:

We want to make stations accessible for passengers, particularly those with additional needs. For example:

- Identifying solutions to improve access or interchange for people with accessibility needs – we know this is a problem at some stations.
- Improving passenger assistance systems.

We also believe it is important for facilities to be upgraded to improve the experience of passengers. This will include:

- Better cycling and walking access.
- More car and covered cycle parking.
- More seats and shelters.
- Improved toilet facilities.
- Improved security.
- Better use of the existing land and buildings for both commercial and community purposes.

## Questions for you

9

What further comments, if any, do you have on our plans to improve access and facilities at stations?

10

What more could be done to improve access and provide facilities for those with disabilities or additional needs?



## Challenges

### To speed up longer distance journeys

## Issues to address:

We want to speed up longer-distance journeys which have a very long journey time relative to the length of the route, for instance between London and Hastings.

One option is to operate High Speed services between St. Pancras and Hastings, Bexhill and Rye via Ashford International.

We are also exploring various options for reducing the journey time on the existing Mainline route between Hastings and Charing Cross via Tonbridge. For instance, reducing calls at less well used stations could deliver an hourly fast service. Other services would still stop at these stations. This approach could also be adopted on other routes, such as Tonbridge to Ashford.

Although we would be delivering faster journeys, we recognise that this has the potential to inconvenience passengers that currently use those intermediate stations.

## Questions for you

11

How far do you support, or oppose, the extension of High Speed services from London St. Pancras to Hastings, Bexhill, and Rye, where this would represent value for money to the taxpayer?

12

How far do you support, or oppose, reducing journey times to key destinations in Kent and East Sussex, by reducing stops at less well used intermediate stations to create hourly fast services?

13

If you support this proposal, which services do you think would most benefit from this approach?

Challenges	Issues to address:	Questions for you
To offer journeys that meet your needs	<p>We know that South Eastern passengers within London typically only use the network for one leg of their journey. There is also the potential for new train services to replace journeys which are currently made by road. We will encourage bidders to think broadly about how the South Eastern network connects with other transport links to enable quicker, and more convenient journeys. This could include</p> <ul style="list-style-type: none"> <li>• Additional trains in the evenings and at weekends.</li> <li>• New direct services (where these are not currently available).</li> <li>• Better integration with other train operators and London Underground.</li> <li>• Better connections to the Docklands Light Railway, Tramlink and bus services.</li> <li>• Improved journey times on particular routes where passengers have to change trains to reach their ultimate destination.</li> </ul>	<p><b>14</b></p> <p>Which journeys do you make today which are difficult?</p> <p>a) By rail?</p> <p>b) By road, which would be easier by rail?</p> <p><b>15</b></p> <p>Which additional services would you wish to see provided in the next franchise?</p>
To implement an effective timetable	<p>Metro service patterns can be both irregular and complicated. An effective timetable has the potential to deliver:</p> <ul style="list-style-type: none"> <li>• More reliable and punctual services.</li> <li>• More regular intervals between services, throughout the day.</li> <li>• More passengers carried overall.</li> <li>• No knock-on impact on services in Kent, the Medway Towns and East Sussex.</li> </ul> <p>For example, we could ask bidders for a minimum service level of four trains per hour Monday to Friday on a given route, to be provided at regular 'clockface' intervals (e.g. every 15 minutes) throughout the day.</p>	<p><b>16</b></p> <p>How far do you support, or oppose, options to simplify the timetable?</p>

Challenges

To initiate a regular service to a single London Terminal

Issues to address:

There would be a limit to the improvements that could be made to the timetable without also reducing the number of central London stations served from certain locations at particular times. An example might be for all Metro services on the north Kent (between Dartford and Charlton), Greenwich and Bexleyheath lines to terminate at Cannon Street only.

We believe that the simplicity of a regular service to a single London terminal throughout the day would benefit both regular and occasional passengers. A simpler service can help deliver a step-change improvement in the punctuality of both Metro and Mainline services.

We are aware that losing direct connections to particular central London stations has the potential to inconvenience a number of passengers, by requiring them to change their usual journey patterns.

Questions for you

17

How far do you support, or oppose, options to reduce the choice of central London destinations served from individual stations with the aim of providing a more regular, evenly spaced timetable, and a more reliable service?

## Integrating South Eastern with new train services

Our ambition is for a South Eastern train service that fully complements the new Thameslink and Elizabeth Line services planned to be introduced in 2018. These two major infrastructure programmes will provide new trains, additional journey opportunities and allow more passengers to travel between central London, south east Boroughs and beyond.

### 3. Thameslink programme

The Thameslink programme is transforming north-south travel through London to help meet a huge rise in demand from passengers. By 2018, passengers will benefit from:

- Improved connections. More stations outside London will be connected to the Thameslink route, giving faster and more direct travel options to more destinations. There will be a brand new rail hub at Farringdon connecting Thameslink and the Elizabeth Line and providing direct links to three major airports (Gatwick, Heathrow and Luton) and St. Pancras International.
- More reliable journeys. Trains will run every 2-3 minutes in each direction through central London at the busiest times. New track and modern trains will provide more reliable journeys.
- Better stations. Work is complete at Blackfriars and Farringdon. When redevelopment work is complete at London Bridge in 2018, it will provide passengers with more space and easier connections to other rail services and the London Underground.
- The current plan, from 2018, is for Thameslink to operate services into Kent all day at a frequency of two trains per hour on each of the following routes;
  - To Sevenoaks, as now.
  - To Orpington and Kentish Town, extending to Luton at the busiest times.
  - To Maidstone East and Cambridge, via London Bridge.
  - To Rainham and Luton, via Greenwich and London Bridge.

In addition, occasional services to Kent House via Herne Hill and Penge East will be remapped from Thameslink to the South Eastern operator.

These changes will require some South Eastern services to be rearranged.

We recognise that, as far as possible, passengers will want to retain the overall frequency of service and connectivity they currently enjoy, whichever operator runs the trains they use. We will need to understand from Network Rail how best to fit the Thameslink and South Eastern services together in 2018, before we can ask bidders to set out their plans to build upon the new timetable in the next franchise. In line with normal industry processes, and as part of their franchise obligations, Southeastern are required to consult on any timetable changes they plan to make for 2018.



#### 4. Elizabeth Line

The Elizabeth Line (previously known as Crossrail) is a new railway for London and the South East opening in 2018. It runs from Reading and Heathrow in the west through 42km of new tunnels under London to Shenfield and Abbey Wood in the east. The project is building 10 new stations and upgrading 30 more, while integrating new and existing infrastructure. The new service will speed up journey times, increase central London's capacity by 10% and bring an extra 1.5 million people to within 45 minutes of central London. A train will run every two and a half minutes at peak times through central London. From December 2018 South Eastern passengers will be able to join Elizabeth Line services at Abbey Wood and Woolwich and travel quickly to Canary Wharf, central London, Reading and Heathrow and, from May 2019 also join High Speed services at Stratford.

The next franchise operator will face challenges and opportunities in catering for the new travel patterns that are expected to develop as passengers take advantage of these new connections. For example, more passengers will wish to interchange at Abbey Wood.

## Our aims for the franchise

As well as addressing the known challenges, we want the operator to drive continuous improvement in all areas over the life of the franchise so that the results are tangible for all users. With this in mind, we would like to see bidders' ideas for bringing our aims to fruition.

### Greater partnership working between the Train Operator and Network Rail

We want to see much greater alignment of the operator and Network Rail throughout the South Eastern network, to deliver a modern, innovative, reliable and passenger-focused railway. We also want to see much less disruption from repairs, an improvement in preventative maintenance and a more prompt reaction to incidents on the track. Our overriding aim is to improve the level of operational performance on the railway at the same time as lowering the railway's overall running costs. We want shared incentives that will focus the partnership on the single most important objective: giving passengers the reliable and punctual services they quite correctly expect.

18

How far do you support, or oppose, plans for the train operator and Network Rail to form a close alliance with the aim of reducing delays and improving performance?

19

What are your views on how this alliance should be incentivised and held to account for its performance?

### Achieve more local focus in the franchise

There is considerable opportunity for us to have much more of a local focus in the South Eastern franchise and we would like to see bidders' ideas for achieving this. To help move this forward, we are collaborating with Kent, Medway and East Sussex Councils and other local authorities. As with previous franchises, we will work with Transport for London. This is required so we understand how to address the needs of passengers who travel on both the inner London-based services and longer distance commutes. Further areas of work might extend to common standards, ticketing, strategic planning and working together to deliver projects.

20

How would you prefer the next South Eastern operator to engage with you:

- a) As an individual?
- b) As an organisation (if appropriate)?

## Greater engagement between users and the new franchise operator

We want the next operator to engage fully with passengers and place them at the heart of their business and operations. It should also explore how the service provided can continue to improve. We will also ask whether underutilised space at stations on the franchise can be transferred to the local community. We will ask bidders to give us their suggestion on this.

## Investing in people working on the franchise

- We want to ensure that people working on the franchise have the information, training and tools they need to communicate effectively with passengers, and to create an environment people are proud and enthusiastic to work in.
- We are confident that we have a strong basis for taking the existing workforce forward to the next franchise. The customer-facing workforce has recently been expanded by 100 new staff. We would like to see more development, support and empowerment of the frontline staff so that customer assistance and security is enhanced, including during those difficult periods when there is disruption. We want to be in a position where the level of customer service on the franchise compares favourably with the very best in transport and other sectors. We will be asking bidders to share their ideas for investing in the workforce.
- Our research has shown that passengers like staff to be available to help them on trains and at stations. We know that this is particularly important for infrequent, vulnerable or disabled travellers who benefit from staff being visible on trains to provide reassurance and assistance; this is even more important when services are disrupted. It can also act as a deterrent to anti-social behaviour, which is often more of an issue on late night services. We will encourage bidders to suggest ways to increase the availability of staff and to balance this by becoming more efficient where passengers require less help.

## Improving the rail industry's contribution to South East economy

The South Eastern network plays a vital role in the economic success of south east London, Kent and East Sussex. The next franchise provides an opportunity to improve transport links to key employment, leisure and business destinations, including coastal areas, and bidders will be expected to tell us how they propose to do this.

There are a number of proposed housing and commercial developments planned across the franchise area, notably along the Thames Gateway and in places such as Ebbsfleet. While planning for the next franchise, we will form a balanced view of future demand for rail travel, informed both by historical trends and by specific plans for local development.

As bidders develop their proposals, we would like them to consider:

- Improving access to key employment, leisure and business destinations, including coastal areas.
- Keeping the railway open longer each day.
- Providing new journey opportunities where there is sufficient demand for travel.
- Better market off-peak and weekend travel to leisure and tourist destinations.

## Social responsibility

Delivering safe, secure and sustainable transport is a core priority for the Department for Transport. We are working together with the independent Rail Safety and Standards Board (RSSB) to ensure the rail industry's sustainable development principles are embedded within our rail franchises.

Stations are at the heart of local interaction with the railway, and are central to how a train operator engages with customers and communities. To make this a reality, we expect bidders to provide a Social and Commercial Development Plan for stations. They should consider how they will:

- Identify buildings and facilities for use by the community.
- Support access to rail for vulnerable groups.
- Consult with local people on the issues facing them.
- Improve integration with other types of transport to provide an easier and more environmentally sustainable end-to-end journey.





6

Bringing it  
all together



## 6. Our vision for the future

6.1 Britain's railways have boomed since privatisation in the mid-1990s. There are more trains, carrying more passengers, more reliably. But, as a result, much of the railway, particularly in London and the South East, is operating on the edge of what it can cope with. If and when things go wrong, the impact can be rapid and widespread.

### Working together

6.2 So, the railway needs to adapt and change to be able to cope with the growth already experienced, and that which lies ahead. We need a truly sustainable railway, and that means a series of changes to deliver the best possible experience for passengers in the future. It means:

- Continuing to deliver a steady programme of improvements and enhancements.
- Looking at ways of expanding the railway further, in an innovative way.
- Harnessing new technology to transform the ways our railways work.
- Changing the way the industry works to make sure it meets the needs of passengers.

6.3 Anything which gets in the way of this should be fixed. It is clear, that while Network Rail and the current operator have worked hard to join up their operations, not all their priorities are the same. We need to bring together the operation of track and train on the railway. It will mean that it is much easier to focus on providing the best service to passengers, and meet the challenges of today's network. Whether it's planning essential repairs, putting in place improvements that can squeeze in an extra service on a crowded route, or responding to a problem on the network, the railway is much better run by one joined up team of people.

6.4 This new franchise is the right moment to bring things closer together. We are exploring how the train operator can form an integrated operating team with Network Rail, incentivised to deliver the best possible service for passengers. Section 5 explains that the organisations will form an alliance to achieve this outcome during the next franchise.

6.5 We could also require the alliance to continuously improve the whole passenger experience. This could include regular reviews of the timetable to ensure that it meets passengers' changing needs, and a commitment to optimise the timetable to provide a reliable service with trains that are as frequent and fast as possible.

6.6 While significant investment has been made to customer service in recent years (see Section 3 ), more needs to be done to match levels of service seen in other successful high volume transport businesses, such as the airline industry. We are considering requiring the train operator to draw on the expertise of organisations which excel in customer service to help them improve the service they provide. This will mean putting the passenger at the heart of everything the train operator does.

21

What approaches to customer service in other companies could be adopted by the next South Eastern train operator?

## New routes to investment

- 6.7 Not everything can change in the new franchise. Transforming a partly-Victorian, fast growing railway will take time – and work cannot come at the price of disrupting the day-to-day service. But nor is that an excuse for holding back essential investment.
- 6.8 Some investment will come through established mechanisms, of the kind which will soon see the completion of the massive London Bridge rebuilding project. This will make South Eastern and Thameslink services more frequent, reliable and faster.
- 6.9 Now is the time to look to new ways of bringing in improvements. This should include new models of private funding, of the kind common in other forms of infrastructure.
- 6.10 The Department is looking to rail operators and other parts of the private sector to propose models which could bring in better services for passengers. This could include longer, concession-style franchises and specific investment in key projects.
- 6.11 The recently announced East West rail line, running from Oxford to Cambridge, has demonstrated the Government's commitment to seek private sector funding to design, build and operate routes which have traditionally been the responsibility of Network Rail. We will build on this and encourage innovative proposals for private sector funding, including from the train operator and wider industry. This could range from upgrading and sharing in the success of part of the South Eastern network, including infrastructure, through to providing new shops in stations. Proposals will be judged on whether they deliver improvements to passengers and value for money for the taxpayer.

22

Where do you think private sector investment would be of most benefit to the railway?

## New routes

- 6.12 Much of the South Eastern network runs to a pattern set many decades ago. Although the introduction of High Speed services in 2009 led to a recast of the timetable, and another will follow new Thameslink services, other services follow old patterns of demand. People want to travel on routes which are currently badly served by rail, with services either too slow or non-existent. This franchise offers a chance to reshape the rail system of London, Kent and East Sussex to serve these fast-growing counties better.
- 6.13 We will consider options for new routes and connections, enabled by the Thameslink programme and the Elizabeth Line, and we will explore others where these deliver passenger benefits and value for money for the taxpayer.
- 6.14 For instance the Ashford to Tonbridge line, which connects on to Redhill and Reading under other operators, could form part of a fast and frequent London orbital service, taking pressure away from the M20 and M25. As it is journeys are faster via London and this potential link is underused.
- 6.15 The extension of High Speed services to Hastings, Bexhill and Rye has been proposed to speed up links between Hastings and London and support the development of the town. The two centres are only around 65 miles apart but direct trains take up to two hours, and speeding up journeys on the existing infrastructure is challenging.
- 6.16 There is an option to split the current Brighton to Ashford service, operated by Southern at Hastings, to operate longer electric trains between Brighton and Hastings, a route which suffers from overcrowding. If the Hastings and Ashford leg was incorporated into the next franchise, the operator could focus on service enhancements including more frequent services, to deliver better connections to London-bound high speed services from Ashford International.

## New technology and innovation

- 6.17 The next South Eastern franchise is currently expected to run until at least 2025. By then, technology and work patterns will be different to those of today. More people, for instance, may want to travel outside traditional commuting hours, work partly from home, or travel to new centres of employment. We are therefore considering more radical, new approaches to transforming the service provided on the South Eastern network.
- 6.18 The train operator must adapt to make the most of technology, including delivering ambitious plans for smart ticketing. Technology has been used in many industries to drive rapid change, and we expect the train operator to use it to improve services.
- 6.19 We also expect bidders to explain how they will modernise and simplify the journey experience through the use of technology and best practice from other industries.
- 6.20 As the Chief Executive of Network Rail indicated recently, improvements such as new digital signalling systems could allow much more efficient use of rolling stock and could be funded jointly with outside organisations. Better capacity on the railway should not come only from new trains. By running existing ones faster and more often passengers may get a better service at lower cost, holding down fares.
- 6.21 A Digital Railway Traffic Management System is planned to be introduced onto the Thameslink area on the South Eastern network. This will benefit passengers by providing live train running information and it will help the operator restore services more quickly after incidents. In future, it is likely that all South Eastern trains will be compatible with this technology.
- 6.22 Looking to the future, we will also consider whether the current size of franchises, and the area they serve, provides the best outcome for passengers. For example, smaller franchises could allow new, more innovative, entrants to the market. It could also be possible to create local innovation zones – hubs of high technology industry – with the rail service tailored to match its needs, for example by the innovation of specific services or even a light railway. The Thames Gateway would be an example of a region where this approach could be introduced.

23

Should we consider using the more lightly used sections of the railway in a different way? If so, how should this be done?

24

Looking to future, beyond this franchise, what, if any, benefits do you consider there would be for passengers from a franchise with a different geographical boundary?

# 7

## Questions

## 7. Questions

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1. Do our priorities correctly reflect your views?
2. Do you agree that more space is needed for passengers at the busiest times of the day?
3. What comments, if any, do you have on options for providing more space through:
  - a) Longer trains; and
  - b) Metro style carriages with larger entrances and more standing room and handholds?
4. Would you support removing First Class seating on the busiest routes to provide more space?
5. What comments, if any, do you have on our plans to improve customer service and the overall passenger experience?
6. Do you have any other ideas or priorities for improving customer service?
7. What changes to the fares structure would be of benefit to you?
8. What else could be done to improve the way tickets are sold and provided?
9. What further comments, if any, do you have on our plans to improve access and facilities at stations?
10. What more could be done to improve access and provide facilities for those with disabilities or additional needs?
11. How far do you support, or oppose, the extension of High Speed services from London St. Pancras to Hastings, Bexhill, and Rye, where this would represent value for money to the taxpayer?
12. How far do you support, or oppose, reducing journey times to key destinations in Kent and East Sussex, by reducing stops at less well used intermediate stations to create hourly fast services?
13. If you support this proposal, which services do you think would most benefit from this approach?
14. Which journeys do you make today which are difficult?
  - a) By rail?
  - b) By road, which would be easier by rail?
15. Which additional services would you wish to see provided in the next franchise?
16. How far do you support, or oppose, options to simplify the timetable?
17. How far do you support, or oppose, options to reduce the choice of central London destinations served from individual stations with the aim of providing a more regular, evenly spaced timetable, and a more reliable service?
18. How far do you support, or oppose, plans for the train operator and Network Rail to form a close alliance with the aim of reducing delays and improving performance?
19. What are your views on how this alliance should be incentivised and held to account for its performance?
20. How would you prefer the next South Eastern operator to engage with you:
  - a) As an individual?
  - b) As an organisation (if appropriate)?
21. What approaches to customer service in other companies could be adopted by the next South Eastern train operator?
22. Where do you think private sector investment would be of most benefit to the railway?
23. Should we consider using the more lightly used sections of the railway in a different way? If so, how should this be done?
24. Looking to future, beyond this franchise, what, if any, benefits do you consider there would be for passengers from a franchise with a different geographical boundary?





8

What will  
happen next



## 8. The procurement process

### The franchising schedule

- 8.1 The South Eastern rail franchise competition is part of a wider Rail Franchising Programme<sup>2</sup>. Our vision is of a world-class railway that creates opportunity for people and businesses. To realise this vision, we invite train operating companies to set out how they will work with us to improve passenger rail services, including by providing more space for passengers. If you would like to learn more about the railway industry and the role the Government plays in running the railways, further information is available at <https://www.gov.uk/government/collections/rail-franchising>.
- 8.2 We have now invited train operating companies to express their interest in bidding to operate the next South Eastern rail franchise, which begins in December 2018. We are publishing a prospectus for the franchise competition to promote market interest in the competition and help attract as many bids as possible. This can be found online at: <https://www.gov.uk/government/collections/rail-franchising#south-eastern-franchise>.
- 8.3 We believe we now have a great opportunity to transform the passenger experience, with a particular focus on improving performance and providing a better timetable and longer trains fit for the twenty-first century.

2. Details of our rail franchising programme are online at: <https://www.gov.uk/government/collections/rail-franchising>

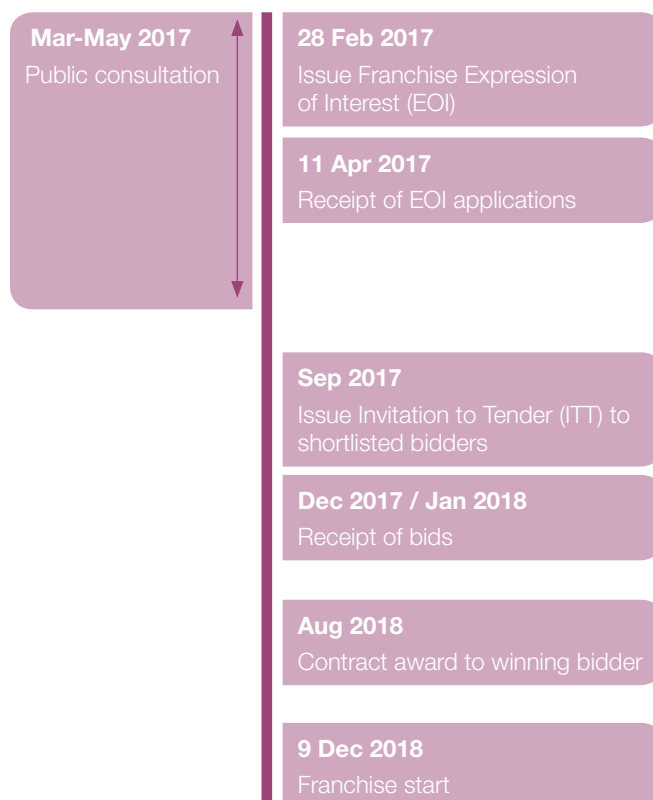


Figure 4: South Eastern franchise competition timetable

### The competition timeline

- 8.4 The planned timeline for the competition is set out in figure 4.
- 8.5 Once the consultation has closed, responses will be considered and then:
- Used to inform what we ask for from shortlisted bidders in the Invitation to Tender (ITT).
  - Provided as information to bidders to help inform and improve their bid.

- 8.6 Following the publication of the ITT, bidders will then submit their proposals. We consider both price and quality (which includes deliverability) as part of the evaluation of the proposals<sup>3</sup>; we also ensure that bids are financially robust and offer value for money to the taxpayer.
- 8.7 We encourage bids that are ambitious in their attempts to improve the punctuality, quality and reliability of services. At the same time, we aim to discourage bids that are overly optimistic, either in their assessment of costs and revenues or in the deliverability of improvements.
- 8.8 Once a winning bid has been identified, the contract is awarded. The new train operating company then has a period of months to get everything in place, ready to start operating the new franchise for passengers on day one of the new franchise.

## Network Rail

- 8.9 In parallel with this consultation, Network Rail is also asking for views on its Kent Route Study, which sets out options for upgrading the railway in the medium and long term. The route study includes options for lengthening the trains on the South Eastern network. We are already considering these options as part of this consultation, and so Network Rail is not inviting comments on them as well. You are invited to respond to us on proposals to increase the space provided for passengers (question 3).

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3. In the ITT, we call this the 'most economically advantageous tender'.





# 9

Important  
information



## 9. Important information on the consultation

### How to respond

The consultation period began on 14 March 2017 and will run until 23 May 2017. You can respond in writing, online or by e-mail. Please ensure that your response reaches us before the closing date as we will not be able to consider responses received later. If you would like further copies of this consultation document, it can be found at <https://www.gov.uk/dft#consultations> or you can contact us using the below methods if you would like alternative formats (Braille, audio CD, etc).

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Consultation Co-ordinator  
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Department for Transport  
Great Minister House  
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SW1P 4DR

Online:

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- Your first name and surname.
- The first half of your postcode.
- Your nearest station (this is not necessarily the one you use the most).
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- The times when you most regularly travel on the train.
- How often you travel on the train.
- The reason why you make your most regular rail journey - such as when you are travelling to work, for leisure, or when you are on business.
- If you have any particular accessibility needs; these might include needing wheelchair access, pushchair access, English not being your first language, or if you are blind or partially sighted, or have capability impairments.

### Freedom of Information and Data Protection

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In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the DfT.

We will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual consultation responses may be shared with bidders in an anonymised format as part of the franchise competition and/or in preparing a response to this consultation.



By providing personal data in response to this consultation, you consent to the DfT, or third parties contracted to the DfT, processing your personal data for the purpose of analysing responses to this consultation.

As part of our analysis of responses to this consultation, we would like to be able to take into account certain sensitive personal data that you may wish to provide in response to this consultation. In providing your responses to the DfT by email or post please indicate whether you consent to the DfT, or third parties contracted to the DfT, processing your sensitive personal data for the purposes of analysing responses to this consultation.

## Consultation Events

There will be a series of consultation events: three formal events aimed at local authorities, industry bodies, passenger representative groups and other stakeholders; and a number of 'drop in' sessions where members of the public can find out more about our proposals (details on next page).

If you would be interested in attending a formal stakeholder event, please contact the Consultation Co-ordinator (details on the previous page). You do not need to inform us if you would like to attend one of the other sessions – we encourage you to simply turn up and have your say.

If you have any suggestions of others who may wish to be involved in this process please contact us.

## What will happen next?

A summary of responses will be included in the Stakeholder Briefing Document to be published alongside the Invitation to Tender planned for September. Paper copies will be available on request.

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Thu 23rd March 16:00-19:00	London Victoria	Eastern concourse
Tues 28th March 16:00-19:00	London Cannon St.	Station concourse
Sat 1st April 10:00-13:00	Lewisham	Glass Mill Leisure Centre
Sat 8th April 11:00-14:00	Hastings	Muriel Matters House
Mon 10th April 16:00-19:00	Sevenoaks	Station concourse
Tues 11th April 16:30-19:00	Maidstone	County Hall
Mon 24th April 16:00-19:00	London Charing Cross	Station concourse
Tues 25th April 16:00-19:00	London St Pancras	Station concourse
Mon 8th May 16:00-19:00	London Bridge	Station concourse
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Department  
for Transport



# South Eastern Rail Franchise Public Consultation

## Shaping the Future

### Response Form

Launched on 14 March 2017  
Respond by 23 May 2017



# Important information on the consultation

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## Purpose of this document

We at South Eastern would like to know your thoughts and ideas on the information that has been presented in the Public Consultation. Your response will be collected in two parts: Section A, to understand who you are; and Section B, your chance to respond to the questions proposed in the Public Consultation. There is also an opportunity for you at the end of the form to discuss anything that you feel has been overlooked. We are looking forward to hearing from you!

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- How often you travel on the train.
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# Section A

---

## About you

We would like to know more about your interest in South Eastern railway. We are asking for this information to enable us to identify whether there are themes in the comments and questions raised by different customer and stakeholder groups.

In what capacity are you responding to this public consultation?

- a) ☐ As a member of the public, or personal views as an individual passenger.
- b) ☒ On behalf of an organisation, or stakeholder group.

If you have answered (a) please now turn to Section A1, page 6.

If you have answered (b) please now turn to Section A2, page 8.



# A1. Individual details response

## 1.1 Individual details response

If you are responding as an individual, any personal details you are able to provide will help strengthen the evidence base as we develop our proposals and respond to your suggestions.

Firstname:

Surname:

First half of postcode:

## 1.2 Nearest station (not necessarily the one you use the most) Please mark your selection with an 'X':

Metro: ☒ Y ☐ N

Mainline: ☒ Y ☐ N

High Speed: ☒ Y ☐ N

## 1.3 Where you normally travel from and to on the train Please mark your selection with an 'X':

Metro: ☒ Y ☐ N

Mainline: ☒ Y ☐ N

High Speed: ☒ Y ☐ N

## 1.4 The times of day when you most regularly travel on the train:

1.5 How often do you travel on the train:

1.6 The reason why you make your most regular rail journey – such as when you are travelling to work, for leisure, or when you are on business:

Work: ☐ Y ☐ N

Leisure: ☐ Y ☐ N

Business: ☐ Y ☐ N

Other: (Please specify)

1.7 Do you have any particular accessibility needs; these might include needing wheelchair access, pushchair access, English not being your first language, or if you are blind or partially sighted, or have capability impairments. (Please give details if yes):

☐ Y ☐ N

## A2. Organisation details response

2.1 We would also be grateful if you would provide some information on what kind of organisation you work in or volunteer for, as is most relevant to your interest in the South Eastern franchise. Please pick one of the following answers:

- ☐ An umbrella or representative body
- ☐ A charity, voluntary or community group or social enterprise
- ☐ A non-governmental organisation (NGO)
- ☒ Local authority / government body
- ☐ Public services delivery body
- ☐ UK central government or public body
- ☐ National government in Scotland, Wales or Northern Ireland
- ☐ Sector infrastructure body
- ☐ Another funding body or grant-making organisation
- ☐ South Eastern Rail Franchise (current or former employee)
- ☐ Passenger group: Statutory group
- ☐ Passenger group: Independent local groups
- ☐ Transport authority
- ☐ Trade unions
- ☐ Other

2.2 Please provide a summary description of your organisation.  
For example: 'Small local charity from the South East of England that supports the elderly to be more independent'.

Local authority in Kent

- 2.3 If we want to explore your comments in greater detail, we may like to contact you so please provide your name and the easiest contact details for you. This is entirely optional – you do not need to provide this information if you do not wish to do so. Any contact information you do provide here will be kept confidential and will not be published. Please see page 3 of the consultation document on how your information will be handled.

Name:

Telephone:

Email:

- 2.4 If you are happy for us to know it, please tell us the name of your organisation - this is entirely optional. Please also put an X in the box if you are happy for us to list your organisation in the published outcomes report as a contributor to the consultation. Please see page 3 of the consultation document on how your information will be handled.

Organisation name:

Can we include your organisation in a list of contributing organisations:



- 2.5 How are the views of your members assembled?  
For example: Survey Paper, assertion, word of mouth ....

## Section B

Now this is your opportunity to let us know your thoughts on what has been discussed in the Public Consultation. Please select either 'Yes' or 'No' when prompted and mark your selection with an 'X'

Please explain your selection in the text boxes provided. If you run out of space, please use the overflow section located at the back of the form. Please answer all questions below.

**1** Do our priorities correctly reflect your views? Please mark your selection with an 'X'

☒ Y ☐ N

Why?

We welcome the reference to taking full advantage of the new Thameslink route between Maidstone East and London and this should be a clear requirement of the new franchise. We share the view that improving the reliability and capacity of existing services and improving the customer experience more generally should be key priorities.

From section 5

**2** Do you agree that more space is needed for passengers at the busiest times of the day? Please mark your selection with an 'X'

☒ Y ☐ N

Why?

Peak hour commuter services are already crowded and there will be increased demand for services due to the high levels of housing growth in Maidstone and the surrounding local authority areas. It is clear that a robust response to this matter is required to improve levels of customer satisfaction.

From section 5

**3** What do you think of the options for providing more space on trains?

Longer trains

We support the provision of longer trains on crowded routes as a means to provide additional capacity.

Metro style carriages

We support the principal of this measure as a means to provide additional capacity but consider that this measure should be generally limited to shorter journeys.

From section 5



4

Would you support removing First Class seating on the busiest routes to provide more space?

Please mark your selection with an 'X'

☒ Y ☐ N

Why?

Given the crowded nature of many of the existing services at peak times and the wider infrastructure capacity challenges, this appears to be a reasonable measure to provide additional capacity.

From section 5

5

What comments, if any, do you have on our plans to improve customer service and the overall passenger experience? Please mark your selection with an 'X'

☒ Y ☐ N

Why?

Improving communication with passengers, particularly during disruption, should be a key priority. The proposal to reduce the length of time at which passengers may claim compensation for delays from 30 mins to 15 mins is welcomed.

From section 5

6

Do you have any other ideas or priorities for improving customer service?

Comment:

Commuter (and leisure) journeys do not begin at the rail station, and it is critical that passengers have the capability to easily plan their door to door journeys, taking account of local bus networks, walking and cycling infrastructure and, where necessary, commuter car parking. Greater emphasis on the synchronisation of bus and rail timetables should be a priority.

From section 5

**7** What changes to the fares structure would be of benefit to you?

Comment:

Simplified fare structures would be welcomed, in addition to the proposal to introduce smart ticketing for additional routes.

From section 5

**8** What else could be done to improve the way tickets are sold and provided?

Comment:

Linking with the responses at 6 and 7, providing for integrated smart ticketing across rail and bus networks would simplify the process for passengers and help to encourage greater use of sustainable travel options for door to door journeys.

From section 5

**9** What further comments, if any, do you have on our plans to improve access and facilities at stations?

Comment:

We strongly support the measures identified in the consultation document to improve access and facilities at stations. In addition to walking and cycling access, interchange facilities with the bus network should be provided/improved where appropriate, again to help to encourage greater use of sustainable travel options for door to door journeys.

From section 5

10

What more could be done to improve access and provide facilities for those with disabilities or additional needs?

Comment:

No specific comments. Improvements to access and facilities for those with disabilities or additional needs should be addressed as a priority, and should be embedded in any schemes to improve station and interchange facilities.

From section 5

11

How far do you support, or oppose, the extension of High Speed services from London St. Pancras to Hastings, Bexhill, and Rye, where this would represent value for money to the taxpayer?

Please mark your selection with an 'X'

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strongly oppose	Oppose	Neutral	Support	Strongly support

Why?

This measure would have limited direct impact on Maidstone borough.

From section 5

12

How far do you support, or oppose, reducing journey times to key destinations in Kent and East Sussex, by reducing stops at less well used intermediate stations to create hourly fast services?

Please mark your selection with an 'X'

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strongly oppose	Oppose	Neutral	Support	Strongly support

Why?

The consultation document references this as a potential option for the Tonbridge to Ashford line which serves the Rural Service Centres of Marden, Staplehurst and Headcorn. The line and the frequency of services is critical to the sustainability of these settlements, each of which is experiencing significant housing development (cont.)

From section 5

**13** If you support this proposal, which services do you think would most benefit from this approach?

Comment:

From section 5

**14** Which journeys do you take today which are difficult:

By rail? Please mark your selection with an 'X'

Metro: ☒ Y ☐ N Mainline: ☒ Y ☐ N High Speed: ☒ Y ☐ N

From: To:

From: To:

From: To:

By road, which would be easier by rail?

From: To:

From: To:

From: To:

Why?

From section 5

15

Which additional services would you wish to see provided in the next franchise?

Please mark your selection with an 'X'

Metro: ☒ Y ☐ N Mainline: ☒ Y ☐ N High Speed: ☒ Y ☐ N

From:

To:

From:

Maidstone

To:

London  
various  
(see below)

From:

To:

Why?

The Council's adopted Integrated Transport Strategy 2016 recognises that Maidstone's rail services are poor in comparison with neighbouring towns and seeks a range of measures to improve connectivity and frequencies, particularly to London. This is a significant issue which impacts on a range of Council priorities. (cont.)

From section 5

16

How far do you support, or oppose, options to simplify the timetable?

Please mark your selection with an 'X'

Strongly  
oppose

Oppose



Neutral



Support

Strongly  
support

Why?

The principle of simplified timetables for metro services is supported however this should not be at the detriment of longer distance services.

From section 5



17

How far do you support, or oppose, options to reduce the choice of central London destinations served from individual stations with the aim of providing a more regular, evenly spaced timetable, and a more reliable service? Please mark your selection with an 'X'

☐ Strongly oppose
 ☐ Oppose
 ☒ Neutral
 ☐ Support
 ☐ Strongly support

Why?

Measures to improve the reliability and punctuality of services are welcomed in principle, however it is difficult to assess the potential implications of the measure based on the information provided. Removing direct access to certain stations could increase overall door to door journey time and present accessibility issues.

From section 5

18

How far do you support, or oppose, plans for the train operator and Network Rail to form a close alliance with the aim of reducing delays and improving performance? Please mark your selection with an 'X'

☐ Strongly oppose
 ☐ Oppose
 ☒ Neutral
 ☒ Support
 ☐ Strongly support

Why?

We support the objectives outlined in the consultation document and, in principle, better integration between the operator and Network Rail should provide one strand of the overall strategy to deliver these objectives.

From section 5

19

What are your views on how this alliance should be incentivised and held to account for its performance?

Comment:

No specific comments.

From section 5

20

How would you prefer the next South Eastern operator to engage with you:

Please mark your selection with an 'X'

a) As an individual? ☒ Y ☐ N

b) As an organisation (if appropriate)? ☒ Y ☐ N

Other:

From section 5

21

What approaches to customer service in other companies could be adopted by the next South Eastern train operator?

Comment:

No specific comments.

From section 6

22

Where do you think private sector investment would be of most benefit to the railway?

Please mark your selection with an 'X'

Metro: ☒ Y ☐ N Mainline: ☒ Y ☐ N High Speed: ☒ Y ☐ N

Why?

From section 6

23

Should we consider using the more lightly used sections of the railway in a different way?  
If so, how should this be done? Please mark your selection with an 'X'

☒ Y ☐ N

Why?

No specific comments.

From section 6

24

Looking to future, beyond this franchise, what, if any, benefits do you consider there would be for passengers from a franchise with a different geographical boundary?

Please explain:

The existing franchise geography appears to be logical however it is important to keep this under review over time. The concept of sub-franchises which could cover smaller, economically distinct areas could provide for a greater focus on the localised or industry requirements, however this would still need to be considered as part of the wider strategic picture.

From section 6

?

Are there any part of these questions that are not immediately clear or that you do not understand, either in terms of the language used or the intent behind the direction. Please mark your selection with an 'X'



Y



N

To Please state which question and why?

?

In conclusion, is there anything else you wish to say about the South Eastern franchise?  
Please mark your selection with an 'X'



Y



N

Why?

Thank you for completing this response form.





## **Maidstone Borough Council – Response to the South Eastern Rail Franchise Public Consultation (March 2017)**

### **Addendum to response questionnaire.**

#### Question 12 (continued)

The Council's adopted Integrated Transport Strategy seeks to protect the speed and frequency of services from these stations and therefore we would strongly oppose measures which affect this.

#### Question 15 (continued)

The Council would therefore strongly support measures to improve services including:

- restoration of direct services to London Bridge and Cannon St;
- expansion of the current limited Medway Valley Line HS1 service to an all-day service;
- continuation of the planned improved connections to London via Blackfriars from the new Thameslink service from Maidstone East; and
- a reduced service time from Maidstone East to London Victoria

Consideration should also be given to more trains on the Chatham-line stopping at Swanley to allow a greater choice of connection for passengers on the Maidstone East Line. In regards to the Medway Valley Line, the Council would wish to see improvements at Yalding Station, the provision of additional halts (which would be beneficial for local commuting to and from Maidstone) and additional parking provision and better public transport connections/information at Maidstone West. In the interests of everyone, stations along this line should be staffed daily between 8am and 5pm.

The new franchise should include a requirement for improvements to ensure all platforms at Maidstone West and Barracks, East Farleigh Harrietsham, Hollingbourne, Headcorn, Marden and Yalding stations are fully accessible and that disabled travellers can 'turn-up-and-go' without booking in advance. Where stations are unmanned, consideration given to them being restaffed as boarded-up unmanned stations are not welcoming or inherently safe places.

The new franchise should include a firm commitment to investment in the redevelopment of Maidstone East station as part of a wider area and public transport interchange improvement project.





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# Agenda Item 17

## **Strategic Planning, Sustainability and Transportation Committee**

**11 April 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### **20 mph speed limits in Maidstone Borough - Update**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman – Head of Planning and Development
<b>Lead Officer and Report Author</b>	Andrew Thompson – Principal Planning Officer (Spatial Policy)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **This report makes the following recommendations to this Committee:**

1. That Committee notes the content of the report

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	11 April 2017

## 20 mph speed limits in Maidstone Borough - Update

### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the current position in respect of work to investigate the potential for the introduction of 20 mph speed limits in Maidstone Borough. Councillors are asked to note the content of the report.

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### 2. INTRODUCTION AND BACKGROUND

- 2.1 Full Council considered a motion at their December 2015 meeting regarding support for a Borough-wide 20 mph speed limit on residential roads. Council resolved to:

*"Request that the Strategic Planning, Sustainability and Transportation Committee review all the available evidence; consider the implementation of 20 mph speed limits within the Borough of Maidstone; and refer the findings to the Cabinet Member at Kent County Council."*

- 2.2 This Committee then considered a report in March 2016 which summarised national guidance and evidence and the County Council's policy on the 20 mph speed limits, and outlined a number of options to take the matter forward. The minutes and report are set out at Appendix A and B respectively but this Committee resolved:

*"That in the Local Plan period pilot studies be undertaken of certain sections of highway in Maidstone where there is acknowledged pedestrian and vehicular conflict and where there is resident support in order to deliver 20 mph speed limit areas."*

- 2.3 Accordingly, no specific timescale was agreed for the progression of any such studies and no budget was identified to take this work forward. Further, the minutes note that officer time would need to be focussed on the submission and adoption Maidstone Borough Local Plan and the progression of the Maidstone Integrated Transport Strategy (ITS).
- 2.4 Officers are currently examining the prospects of identifying a budget to commission a study - previously estimated at around £20,000 - and are engaging with Kent Police and Kent County Council Highways to establish the most up-to-date policy on 20 mph speed limits, and the prospects for support, funding and enforcement. Work streams in the Spatial Policy Team would also need to be re-prioritised in line with a new work programme.
- 2.5 It is intended to report back to this Committee once the above matters are explored.

### **3. AVAILABLE OPTIONS**

3.1 This report is for noting only.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 This report is for noting only.

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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

5.1 This Committee previously agreed that pilot studies should be undertaken during the period of the Maidstone Borough Local Plan. This report provides an update on the current position.

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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

6.1 Officers will continue examine the prospects for identifying a budget for the work, and are engaging with the County Council and Kent Police as set out at 2.4.

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### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The introduction of 20 mph scheme(s) within the Borough could result in positive health and road safety benefits keeping Maidstone an attractive place to live.	Rob Jarman Head of Planning & Development
<b>Risk Management</b>	No specific implications arise	Rob Jarman Head of Planning & Development
<b>Financial</b>	No budget has been identified for the work. The commissioning of any additional work from external consultants would require additional spend.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	Specialist consultants may be required to undertake the study work	Rob Jarman Head of Planning & Development
<b>Legal</b>	No specific implications arise	Estelle

	from the report.	Culligan, Interim Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	A reduction in speed limits could benefit all sections of the community	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	A reduction in speed limits could result in air quality benefits	Rob Jarman Head of Planning & Development
<b>Community Safety</b>	A reduction in speed limits could result in improvements in road safety	Rob Jarman Head of Planning & Development
<b>Human Rights Act</b>	N/A	Rob Jarman Head of Planning & Development
<b>Procurement</b>	Specialist consultant advice may be required. Any consultant(s) would be appointed in accordance with the Council's procurement procedures	Rob Jarman Head of Planning & Development
<b>Asset Management</b>	N/A	Rob Jarman Head of Planning & Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- **Appendix A:** Minutes of the SPS&T Committee meeting 8 March 2016
- **Appendix B:** Report of the Head of Planning and Development – Scope and costs required to implement 20 mph speed limits within the Borough of Maidstone 8 March 2016

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## 9. BACKGROUND PAPERS

None

## **MAIDSTONE BOROUGH COUNCIL**

### **Strategic Planning, Sustainability and Transportation Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 8 MARCH 2016**

**Present:** Councillor Mr Grigg (Chairman), and  
Councillors Mrs Blackmore, English, Garland, Mrs  
Gooch, D Mortimer, Paine, Mrs Stockell and Mrs  
Wilson

**Also Present:** Councillors Boughton and Harper

#### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors:

- Burton
- Springett
- de Wiggondene

#### **2. NOTIFICATION OF SUBSTITUTE MEMBERS**

The following substitute Members were noted:

- Councillor Stockell for Councillor de Wiggondene
- Councillor Blackmore for Councillor Burton – from 6:35pm
- Councillor Garland for Councillor Springett – from 6:37pm

#### **3. NOTIFICATION OF VISITING MEMBERS**

It was noted that Councillor Boughton was in attendance to speak on items 14 and 15 and Councillor Harper was in attendance to speak on items 14 and 18.

#### **4. URGENT ITEMS**

The Chairman stated that, in her opinion, the update report of the Head of Planning for item 12 – North Loose Neighbourhood Plan, should be taken as an urgent item as it contained further information relating to the agenda item.

#### **5. DISCLOSURES BY MEMBERS AND OFFICERS**

It was noted that Councillor Stockell declared she was a member of the Highways Committee of Kent County Council.

There were no further disclosures by Members or Officers.



6. DISCLOSURES OF LOBBYING

It was noted that the following Members had been lobbied on the items detailed:

Councillor Mortimer – item 18 Scope and costs required to implement 20MPH speed limits within the Borough of Maidstone.

Councillor Grigg – items 13 Draft Low Emissions Strategy, item 14 Response to consultation on 'A new approach to rail passenger services in London and the South East' and Kent County Council's draft consultation on the new South Eastern Franchise and item 18 Scope and costs required to implement 20MPH speed limits within the Borough of Maidstone.

Councillor English – item 15 Response to consultation by Highways England on proposed Lower Thames Crossing and item 18 Scope and costs required to implement 20MPH speed limits within the Borough of Maidstone.

7. MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2016

**RESOLVED:**

That the minutes of the meeting held on 9 February 2016 be approved as a correct record and signed by the Chairman subject to a correction to minute 224 – Teston and Aylesford Tow Path Scheme be changed to Barming and Aylesford Tow Path Scheme.

8. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

9. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

10. EXEMPT ITEMS

**RESOLVED:**

That items on the agenda be taken in public as proposed.

11. COMMITTEE WORK PROGRAMME FOR NOTING

The Committee noted that the following items on the Committee's work programme had been moved to a meeting in the new municipal year 2016/17:

- Report to consider the resources needed to provide the planning service;
- CIL Draft Charging Schedule; and,
- Brunswick Road car park.

12. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - NORTH LOOSE NEIGHBOURHOOD PLAN

The Committee considered the Urgent Update Report of the Head of Planning and Development giving details of the result of the referendum for the North Loose Neighbourhood Development Plan (NLNDP) held on 3 March 2016.

The Committee noted the results as follows:

- Total number of votes cast were 1,410
- Of those 1,322 votes were 'Yes'; and,
- 77 were 'No'.

The Committee also noted the significance of the NLNDP being the first one in the Borough to reach this stage of the process and congratulated North Loose Neighbourhood Forum on their hard work.

**RESOLVED:**

The Committee noted the 'Yes' result of the North Loose Neighbourhood Development Plan referendum of 3 March 2016.

That the Committee recommends to Council that the North Loose Neighbourhood Development Plan be made and becomes part of the Development Plan for Maidstone.

Voting:            For – 9            Against – 0            Abstentions – 0

13. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - DRAFT LOW EMISSION STRATEGY CONSULTATION RESPONSE

The Senior Scientific Officer and the Mid-Kent Environmental Protection Team Leader introduced the report and gave an overview of the current position of the strategy.

The Committee considered the report and noted the decision of the Communities, Housing and Environment Committee at their meeting of 16 February 2016.

Members raised concern over the low response rate to the public consultation for the strategy. Concern was also raised regarding the lack of consultation with parish councils, Borough Councillors and other interested groups.

The Committee heard that a workshop was planned for after the elections in May 2016. The workshop would be open to all Members of the council to look at what Members wanted to implement through the strategy and to develop the Action Plan. The Committee agreed the workshop should be held before the elections.

The Head of Planning and Development stated that air quality was an important aspect of the planning process. It was intended that a Supplementary Planning Document would be developed where detailed mitigation measures would be stated to improve air quality in the borough.

### **RESOLVED:**

That the Communities, Housing and Environment Committee be recommended to fix a date for the Low Emission Workshop, as early as possible before the elections in May 2016, inviting all Borough Councillors to attend, to establish the parameters of the Low Emissions Action Plan.

Voting:            For – 8            Against – 1            Abstentions – 0

14. **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - RESPONSE TO CONSULTATION ON 'A NEW APPROACH TO RAIL PASSENGER SERVICES IN LONDON AND THE SOUTH EAST' AND KENT COUNTY COUNCIL'S DRAFT CONSULTATION ON THE NEW SOUTH EASTERN FRANCHISE**

The Committee considered the revised Maidstone Borough Council responses to the consultation on 'A new approach to rail passenger services in London and the South East' and Kent County Council's Draft Consultation on the New South Eastern Franchise. The responses had been revised from the original report to the Committee on 9 February 2016 to clearly state the Council's priorities for rail transport for the Borough.

Councillors Harper and Boughton addressed the Committee.

The Committee generally agreed the responses were clearer.

During the discussion the Committee asked for the following additions and amendments to be included in the response to the consultation:

- Question 2 – add – that frequent services from Marden, Staplehurst and Headcorn to Canon Street and Kings Cross be continued and the maintenance of the journey time to less than one hour.
- In the interests of everyone - stations along the Medway Valley Line be staffed daily from 8am to 5pm.
- Question 6 – the forth bullet point be move up to become part of the third bullet point to clarify the point made in the third bullet point.

### **Decision Made**

1. That the suggested responses to the prospectus document 'A New Approach to Rail Passenger Services in London and the South East', as set out in the report of 8 March 2016, be agreed subject to the

inclusion of the points raised by the Committee and noted in the Minutes, and the report be forwarded to Transport for London prior to 18 March 2016.

Voting: For – 9 Against – 0 Abstentions – 0

2. That the suggested responses to the consultation by Kent County Council on the new Southeastern Franchise be agreed, subject to the inclusion of the points raised by the Committee and noted in the Minutes, and the document be forwarded to the Principal Transport Planner – Rail at Kent County Council.

Voting: For – 9 Against – 0 Abstentions – 0

15. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - RESPONSE TO CONSULTATION BY HIGHWAYS ENGLAND ON PROPOSED LOWER THAMES CROSSING

The Committee considered the proposed response set out in section 4 of the report to be forwarded to Highways England as the Council's formal response to the Lower Thames Crossing Consultation.

The Committee heard the proposed new Lower Thames Crossing would have no direct impact on the borough of Maidstone but could result in economic benefits.

Highways England had stated the environmental issues created by the new crossing could be mitigated.

Kent County Council supported the Western Southern Link as it was considered would create less impact. The proposed response from Maidstone Borough Council supported the Eastern Southern Link.

Councillor Boughton addressed the Committee.

The Committee agreed they were not against the Western Southern Link and requested that this be reflected in the Council's consultation response.

**RESOLVED:**

That the proposed response, set out in section 4 of the report dated 8 March 2016, be agreed subject to the amendment of the response to Question 5 (paragraph 4.8 of the report) to read 'tends to agree' in relation to the Western Southern Link. The responses then be forwarded to Highways England as the Council's formal response to the Lower Thames Crossing Consultation by the deadline of 24 March 2016.

Voting: For – 9 Against – 0 Abstentions – 0

16. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

The Committee considered the Council's response to the National Planning Policy Framework consultation which had been submitted by the deadline of 22 February 2016 and which Councillor Burton had been involved in formulating.

**RESOLVED:**

That the response to the consultation on proposed changes to the National Planning Policy Framework, set out in Appendix 1 of the report dated 8 March 2016, and submitted to the Department of Communities and Local Government be noted.

17. **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - RE-ESTABLISHMENT OF MAIDSTONE BOROUGH TRANSPORT USER GROUP**

The Committee considered the re-establishment of the Maidstone Transport Users Group. The Committee were reminded the recommendation for the group came from a Scrutiny Review of Transport in Maidstone during 2014/15. The recommendation came as a result of a suggestion from service providers during the review.

During discussions the following concerns were raised:

- Clear Terms of Reference would be needed for the Group.
- The group should not discuss specific service issues and should focus on strategic public transport issues.
- The suggested membership of the group was potentially weighted in favour of parish councils.
- Bus service operators should be included as members.
- Clear lines of communication for the group should be established.
- Duplication of work carried out by other groups should be avoided.
- The group should be a Transport Operators Group as opposed to a transport users group. Service users could be represented by parish councils via the membership of the Kent Association of Local Councils (KALC).

**RESOLVED:**

1. That a Maidstone Transport Operators Group be established.
2. That at the first meeting of the Maidstone Transport Operators Group the Terms of Reference be established to include the appointment of a Maidstone Borough Councillor as Chairman of the Group.
3. That in the initial year of the Maidstone Transport Operators Group quarterly meetings be held with a review of the Group's effectiveness carried out at the end of the first year and reported



back to the Strategic Planning, Sustainability and Transportation Committee.

4. That invitations to establish the membership of the Maidstone Transport Operators Group be extended to the following:

- Maidstone Borough Council Officers
- Kent County Council Officers
- Arriva
- NuVenture
- Rail Services Providers for the Borough
- Highways England
- 1 representative from the Kent Association of Local Councils (KALC)

5. That quarterly reports to the Strategic Planning, Sustainability and Transportation Committee from the Maidstone Transport Operators Group be provided.

18. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - SCOPE AND COSTS REQUIRED TO IMPLEMENT 20 MPH SPEED LIMITS WITHIN THE BOROUGH OF MAIDSTONE

The Committee considered the report and whether to request officers undertake or commission further work on the 20 mile per hour scheme, and to consider the Maidstone Urban Area, the five Rural Service Centres and five Larger Villages as suitable scheme areas.

The Committee heard that support from Kent County Council would be required if it was decided to pursue the introduction of 20 MPH speed limits in the Borough.

Initial indications were that signage alone would cost in the region of £1m and an initial study carried out by a consultant would cost in the region of £20k.

Councillor Harper addressed the Committee.

The Committee raised concerns regarding the potential cost and the importance of Officer resources concentrating on the adoption of the Maidstone Borough Local Plan.

The Committee were informed by the Head of Planning and Development that there was a need for Officers to concentrate on the formulation of the Integrated Transport Strategy (ITS). The ITS was supporting evidence for the Local Plan. Pilot studies could be signposted in the ITS with specific locations named.

**RESOLVED:**

That in the Local Plan period pilot studies be undertaken of certain sections of highway in Maidstone where there is acknowledged pedestrian

and vehicular conflict and where there is resident support in order to deliver 20 mph speed limit areas.

Voting:        For – 9        Against – 0        Abstentions – 0

19. DURATION OF THE MEETING

6:30pm to 8:59pm.

# Strategic Planning, Sustainability & Transportation Committee

08 March 2016

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## Scope and costs required to implement 20 mph speed limits within the Borough of Maidstone

<b>Final Decision-Maker</b>	Strategic Planning Sustainability & Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman: Head of Planning & Development
<b>Lead Officer and Report Author</b>	Steve Clarke: Principal Planning Officer Spatial Policy
<b>Classification</b>	Public
<b>Wards affected</b>	All

### This report makes the following recommendations to this Committee:

1. That Councillors note this report and request officers to undertake/commission further work with the aim of more clearly identifying the potential extent and precise costs of 20mph scheme(s) that have been assessed against the adopted County Council policy, and that this be presented to a future meeting of this Committee
2. That Councillors agree in the first instance that the Maidstone Urban Area, the five Rural Service Centres and the five Larger Villages be considered as suitable potential scheme areas.

### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – Reducing vehicle speeds can have beneficial effect on health levels and road safety

### Timetable

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability & Transportation Committee	08 March 2016

## **Scope and costs required to implement 20 mph speed limits within the Borough of Maidstone**

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1 Full Council considered the following motion at its meeting held on 9 December 2015

'This Council notes:

- Speed limits on Britain's residential roads are 60% higher than comparable European nations;
- More than half of all road accidents occur on roads with 30 mph limits;
- Reducing speed limits on residential roads has been found to lower the incidence of accidents and the number of fatalities and serious accidents that result from them;
- The significant contribution a 20 mph limit could make to improving Maidstone's air quality;
- New Department of Transport guidelines making it easier for local authorities to adopt a 20 mph default speed limit on residential roads; and
- The significant support shown for 20 mph limits in recent surveys of local residents.

This Council therefore resolves to:

Use all appropriate avenues to press the County Council to reconsider its existing policies on speed limits and to support a Borough-wide 20 mph speed limit on residential roads.'

1.2 Following debate of the motion at the meeting, Council resolved as follows;

'This Council notes:

- Speed limits on Britain's residential roads are 60% higher than comparable European nations;
- More than half of all road accidents occur on roads with 30 mph limits;
- Reducing speed limits on residential roads has been found to lower the incidence of accidents and the number of fatalities and serious accidents that result from them;
- The significant contribution a 20 mph limit could make to improving Maidstone's air quality;
- New Department of Transport guidelines making it easier for local authorities to adopt a 20 mph default speed limit on residential roads; and
- The significant support shown for 20 mph limits in recent surveys of local residents.

This Council therefore resolves to:

Request that the Strategic Planning, Sustainability and Transportation Committee review all the available evidence; consider the implementation

of 20 mph speed limits within the Borough of Maidstone; and refer the findings to the Cabinet Member at Kent County Council.'

- 1.3 The Strategic Planning, Sustainability & Transportation Committee met on 13 January 2016 and as part of the agenda considered the reference from Full Council in relation to 20mph speed limits and resolved as follows:

'That the Strategic Planning, Sustainability and Transportation Committee noted the reference from Council regarding a Motion for 20 mph speed limits and requested that officers present a report to the Committee at a later meeting showing the scope and costs required to implement 20 mph speed limits within the Borough of Maidstone.'

- 1.4 This report therefore seeks to outline the scope of required work and potential costs to implement 20mph speed limits within the Borough of Maidstone.

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## **2. INTRODUCTION AND BACKGROUND**

- 2.1 There are a growing number of areas that are implementing or considering implementation of 20mph measures around the country. As a result of this, the Department for Transport (DfT) issued new Circular advice in 2013 (DfT Circular 01/2013: Setting Local Speed Limits.)<sup>1</sup> This provides guidance to be used by English traffic authorities for setting local speed limits on single and dual carriageway roads in both urban and rural areas.
- 2.2 Paragraph 12 of the Circular identifies that one of the key priorities for action is for traffic authorities to consider the introduction of more 20 mph limits and zones in residential areas to ensure greater safety for pedestrians and cyclists.
- 2.3 This is clarified in Section 6.1 which states that 20 mph limits and zones can be introduced on "residential streets in cities, towns and villages, particularly where the streets are being used by people on foot and on bicycles, there is community support and the characteristics of the street are suitable".
- 2.4 However, the guidance goes on to note that "general compliance needs to be achievable without an excessive reliance on enforcement". It is very clear that there should be no expectation on the Police to provide additional enforcement beyond their routine activities.
- 2.5 There is a difference between 20 mph limits, typically covering individual or small numbers of streets and requiring signs only, and 20 mph zones, typically covering larger areas and requiring both signs and markings.
- 2.6 Originally, 20 mph zones required traffic calming such as road humps/chicanes, but the DfT relaxed this requirement in 2011 in order to

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<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/63975/circular-01-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/63975/circular-01-2013.pdf)



reduce costs for traffic authorities, and to avoid the opposition which physical measures can attract (e.g. potential concerns regarding damage to vehicles and increased emergency services response times).

- 2.7 DfT Circular 01/2013 notes the clear evidence of the effect which reducing traffic speeds has on the number of collisions and casualties. There is a lower risk of fatal injury at lower speeds. Research shows that on urban roads with low average traffic speeds any 1 mph reduction in average speed can reduce the collision frequency by around 6%.
- 2.8 The campaign group '20's Plenty for Us'<sup>2</sup> is leading a national campaign for the introduction of a 20mph limit on all residential streets. It argues that more than half of road deaths and serious injuries occur on roads with 30 mph limits and that Britain has the highest percentage of pedestrian road fatalities in Europe at 22.5%.
- 2.9 The benefits of 20 mph schemes include quality of life and community benefits, and encouragement of healthier and more sustainable transport modes such as walking and cycling. These active travel modes can make a very positive contribution to improving health and tackling obesity, improving accessibility and tackling congestion, and reducing carbon emissions with a consequent impact on air quality and improving the local environment.
- 2.10 To-date, some 55 communities in Scotland and England have introduced wide-area 20mph limits in residential areas. By far the majority of these areas are densely populated major urban areas and are predominantly administered by unitary authorities.
- 2.11 It is clear from the communities that have taken the decision to introduce wide-area 20mph limits that there are significant benefits in accident and casualty reduction, although actual evidence of significant levels of overall traffic speed reduction is less clear, given that in most cases schemes are only signed areas.
- 2.12 There are currently stretches of some 44 roads in the Borough that are subject to 20 mph limits including the recently added sections of Roseacre Lane/Yeoman Lane in Bearsted. (See Appendix 1 for the list). I am not aware of any specific monitoring that has been undertaken on these roads however.
- 2.13 Councillors should clearly be aware however, in relation to Maidstone, given that it is not the Highway Authority, the introduction of a 20mph scheme in any form would need to be undertaken in conjunction with and with the support of Kent County Council which is the Highway Authority.
- 2.14 Kent County Council adopted a revised policy on 20mph limits in October 2013 following consideration by the Environment, Highways and Waste Cabinet Committee on 3 October 2013.<sup>3</sup> The relevant minute of the meeting

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<sup>2</sup><http://www.20splenty.org/>

<sup>3</sup> <https://democracy.kent.gov.uk/mgAi.aspx?ID=26617>

and the updated policy are attached at respectively, appendices 2 and 3 to this report.

2.15 Kent County Council's policy approach can be summarised as follows:

- a) implement 20mph schemes where there was clear justification in terms of achieving casualty reduction as part of the on-going programme of Casualty Reduction Schemes;
- b) identify locations for 20mph schemes which would assist with delivering targets set out in Kent's Joint Health Wellbeing Strategy; and
- c) enable any schemes that could not be justified in terms of road safety or public health benefits but were locally important to be funded via the local County Councillors Member Highway Fund. All schemes must meet implementation criteria as set out in DfT Circular 01/2013.

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### **3 AVAILABLE OPTIONS**

3.1 There are a number of options open to Councillors.

3.2 The first option is to do nothing. This would be however, appear to be contrary to the resolution of Full Council set out earlier in the report. In addition, to do nothing would also be in direct contrast to the growing evidence base that the introduction of such measures can have significant benefits for the community as a whole.

3.3 Option Two. A Borough-wide 20mph zone could be introduced on all roads except trunk roads, which are the responsibility of Highways England.

3.4 Option 3: A more limited and targeted approach linking the implementation of 20mph zones to residential areas (where there is support from the majority of residents) and/or areas of high pedestrian circulation such as Maidstone Town Centre (High Street/Middle Row are already 20mph) could also be taken.

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### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 If the imposition of a 20mph scheme is to be pursued within the Borough, Option 3 is the preferred option. This would enable a more focussed approach in specific areas where the greatest benefits could potentially accrue rather than a blanket Borough-wide 20mph zone.

4.2 Costings of such schemes are difficult to quantify and of course will vary depending on the location and complexity of schemes. Costings (albeit from 2013) are set out in paragraphs 11.3 to 11.5 of the attached KCC report at Appendix 3. For Councillors' ease of reference they are reproduced below:

11.3 The cost of any 20mph scheme will vary due to the location and objectives of the scheme. It is estimated that the typical capital cost of a 1km length of 20mph speed limit (signing only) is £1,400 and a 1km length of 20mph zone (including traffic calming) is £60,000. The capital cost is made up of the installation of the signs, posts and associated traffic calming measures. There are revenue costs associated with any scheme that will

need to be considered which include the Traffic Regulation Orders, design, consultation, engagement, marketing, monitoring, on-going maintenance of infrastructure and enforcement.

11.4 As every scheme is unique in terms of locality issues it is very difficult to give a robust cost estimate as to how much it would be to implement a blanket 20mph limit or zone across Kent. However, a crude estimate based on the costs quoted above and the assumption that they would only apply to unclassified urban roads, the capital costs of a blanket limit across Kent could be around £3.4m. For a blanket zone across Kent (with calming measures) the capital cost could be over £146m. Assuming a typical scheme design fee of 15%, the initial revenue costs could be £510k for a limit and £22m for a zone. No estimate has been made for the on-going maintenance or monitoring of any blanket scheme and the additional enforcement costs to Kent Police.

11.5 These figures are likely to be an overestimate and would probably be spread over a number of years, but they do give an indication of the approximate overall quantum of funding required if Members were minded to adopt a blanket 20mph policy. If the new policy was adopted costs would continue to be borne by existing CRM, MHF and general highways maintenance funding streams and from KCC's Public Health budget.

- 4.3 The key figures to draw out of the above are;
- Speed limit (signing only) £1400 per 1km
  - Speed Zone (including traffic calming measures) £60K per 1km
- The above indicative costings were based on information gathered from the website of the campaign group '20s Plenty for Us'<sup>4</sup>

The costings also do not include design fees, maintenance or monitoring or the costs of the necessary Traffic Regulation Orders (TROs).

- 4.4 A signing only scheme for appropriate roads in the Borough is likely to be in the region of £1million or more.
- 4.5 It would be necessary to seek to provide justification for such a scheme in accordance with the County Council's adopted policy criteria for such schemes.
- 4.6 However, the evidence for the benefits of reduced traffic speeds in terms of improved road safety is clear. In response, the introduction of 20mph schemes covering residential and shopping areas has become increasingly widespread amongst English traffic authorities.
- 4.7 Implementation of 20mph schemes is not only justified in terms of improving road safety but also in terms of health, social and environmental benefits. This is clearly reflected in the revised KCC adopted policy.

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<sup>4</sup> <http://www.20splentyforus.org.uk/index.htm>

- 4.8 The greatest impact in reducing traffic speeds is delivered by 20 mph zones featuring traffic calming, achieving a reduction in speeds of about 9mph on average<sup>5</sup>.
- 4.9 However, the majority of new schemes introduced are now signed only 20 mph limits. These are much cheaper to implement and can avoid the opposition which physical traffic calming measures can attract, but generally lead to much smaller reductions in traffic speeds (about 1 mph on average). Some reduction in the number of collisions and severity of casualties has nevertheless been recorded in recent case studies of 20 mph limits.
- 4.10 Given competing priorities, it is likely that the resources available for Police enforcement of any 20 mph schemes introduced in Maidstone would be limited. To be effective, such schemes would need to be generally self-enforcing. Twenty mph limits are therefore unsuited to streets where average traffic speeds are high (i.e. mean speeds above 24mph) and where pedestrian/cyclist movements are low (with little potential to increase). This does not of course mean that such measures cannot be introduced.
- 4.11 With regards to area wide schemes, Kent County Council is looking at a number of new ones to assist with public health targets but these are in design and no detailed costs are available as yet.
- 4.12 I am also aware that within Tunbridge Wells Borough there is a working group which is looking at the issue of 20mph limits and that County Council Officers have recommended that they should look to get funding to commission a report to look at more detailed/realistic costings for their Borough.
- 4.13 Given the current uncertainty regarding the extent and, in particular, costs involved in taking a 20mph scheme forward, Councillors may consider that further work on feasibility and funding should be undertaken to establish which areas might comply with the adopted Kent County Council policy to ensure there is a robust case for the implementation of a 20mph scheme before it is presented to the County Council.
- 4.14 I would recommend that Councillors agree that the Maidstone Urban Area, the five Rural Service Centres and the larger villages as initial and distinct projects, for which the required justification, detail and more realistic costings could be worked-up on a phased basis given that firstly settlements in the Borough are dispersed and secondly that resource constraints are likely to mean that any scheme would not be implemented in one go.
- 4.15 It is recommended therefore that
- 1: That Councillors note this report and request officers to undertake/commission further work with the aim of more clearly identifying the potential extent and precise costs of 20mph scheme(s) that have been assessed against the adopted County Council policy, and that this be presented to a future meeting of this Committee;

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<sup>5</sup> [http://www.20splentyforus.org.uk/UsefulReports/20mph Steer Davies Gleave.pdf](http://www.20splentyforus.org.uk/UsefulReports/20mph%20Steer%20Davies%20Gleave.pdf)

- 2: That Councillors agree in the first instance that the Maidstone Urban Area, the five Rural Service Centres and the five Larger Villages be considered as suitable potential scheme areas.

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## **5 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 If Councillors agree the recommendations, it will be necessary for further work to be undertaken/commissioned to identify more precisely the costs and achievability of implementing 20mph schemes that have been assessed in accordance with Kent County Council adopted policy on residential roads within, in the first instance, the areas of the Borough included in recommendation two.

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## **6 CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The introduction of 20 mph scheme(s) within the Borough could result in positive health and road safety benefits keeping Maidstone an attractive place to live.	Rob Jarman Head of Planning & Development
<b>Risk Management</b>	No specific implications arise	Rob Jarman Head of Planning & Development
<b>Financial</b>	The commissioning of any additional work from external consultants will have an impact on existing budgets requiring additional spend	Rob Jarman Head of Planning & Development and Head of Finance & Resources
<b>Staffing</b>	Specialist consultants may be required to undertake the further study work	Rob Jarman Head of Planning & Development
<b>Legal</b>	No specific implications arise from the report.	Kate Jardine Team Leader (Planning) Mid Kent Legal Services
<b>Equality Impact Needs Assessment</b>	A reduction in speed limits would benefit all sections of the community	Ann Collier Policy & Information



		Manager
<b>Environmental/Sustainable Development</b>	A reduction in speed limits would be likely to result in air quality benefits	Rob Jarman Head of Planning & Development
<b>Community Safety</b>	A reduction in speed limits would be likely to result in improvements in road safety	Rob Jarman Head of Planning & Development
<b>Human Rights Act</b>	N/A	Rob Jarman Head of Planning & Development
<b>Procurement</b>	Specialist consultant advice may be required. Any consultant(s) would be appointed in accordance with the Council's procurement procedures	Rob Jarman Head of Planning & Development and Head of Finance & Resources
<b>Asset Management</b>	N/A	Rob Jarman Head of Planning & Development

## 7 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: List of existing 20 mph roads in the Borough
- Appendix 2: Extract from the minutes of the Kent County Council Environment, Highways and Waste Cabinet Committee 03 October 2013.
- Appendix 3: Updated Policy for 20mph limits and zones on Kent County Council's roads.

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## 8 BACKGROUND PAPERS

## Strategic Planning, Sustainability and Transportation Committee

**11 April 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Air Quality Technical Guidance

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman – Head of Planning and Development
<b>Lead Officer and Report Author</b>	Andrew Thompson – Principal Planning Officer (Spatial Policy)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **This report makes the following recommendations to this Committee:**

1. Instruct officers to prepare draft Air Quality Technical Guidance for Maidstone Borough, adapted from the Kent and Medway Air Quality Partnership guidance, with the intention of this Committee adopting the Guidance for development management purposes.

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	11 April 2017

# Air Quality Technical Guidance

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Improving air quality in Maidstone is a key priority for the Council and planning can play a significant role in contributing to the objectives of the emerging Low Emissions Strategy (LES) and Air Quality Action Plan (AQAP). Recognising the importance of the issue, and the evolving nature of national and local strategies, Proposed Main Modification 42 to the Maidstone Borough Local Plan, approved for consultation at this Committee's last meeting, will commit the Council to preparing a detailed Air Quality Development Plan Document (DPD).
  - 1.2 As an interim measure, in advance of the DPD's preparation, the Council could adopt technical guidance on the matter as a material consideration for development management purposes. The Kent and Medway Air Quality Partnership have produced generic guidance which provides for a shift in emphasis towards greater focus on securing and delivering effective mitigation, and which can be adapted by local authorities for this purpose. Medway Council and Thanet District Council have already adopted the guidance and it is understood that Tunbridge Wells Borough Council are also using the guidance through their development management function and are considering adopting it as an SPD
  - 1.3 This report therefore recommends that Committee instructs officers to commence work developing draft Air Quality Technical Guidance for Maidstone Borough, based on the Partnership's generic guidance, with the intention of this Committee adopting the Guidance for development management purposes.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Air quality is a recognised issue in Maidstone, and the town has been a designated Air Quality Management Area (AQMA) for a number of years. The Council is taking positive steps to address air quality issues through the production of a Low Emissions Strategy (LES) incorporating an updated Air Quality Action Plan (AQAP). These documents are being progressed by the Council's Air Quality Working Group which comprises members and officers, with input from a range of stakeholders.
- 2.2 Planning can play a significant role in addressing air quality issues by delivering growth in a sustainable manner, securing appropriate measures to mitigate air quality impacts and contributing to the wider strategy to improve air quality. Planning officers have therefore been actively engaged with the process of developing the LES and AQAP.
- 2.3 Air quality has also been a significant issue through the examination of the Maidstone Borough Local Plan (MBLP) and the Inspector arranged a dedicated hearing to examine the issue and the steps the Council was taking both to mitigate the impact of planned development on air quality

and improve air quality more generally. Through the examination, the relevant development management policy has been revised and tightened to ensure that any development which may have an adverse impact on air quality, particularly on the AQMA and the exceedance areas within the AQMA, will be required to submit technical evidence and details of any mitigation to demonstrate that the impact will be effectively mitigated.

- 2.4 Given the progression of the emerging LES and AQAP however, and also that a new National Air Quality Action Plan is anticipated later this spring, there is a recognised need to prepare a more detailed planning policy document, following the adoption of the MBLP, to implement and coordinate with these emerging strategies. The amended MBLP air quality policy (proposed Main Modification 42) therefore commits the Council to developing a specific Air Quality Development Plan Document (DPD) to address the matter in greater detail.
- 2.5 It is clear however that the production of a new DPD will take some time as, although relatively limited in scope, the regulatory and legal requirements including consultation, duty to cooperate, sustainability appraisal and examination will apply in the same way as to the MBLP. Consequently, and in view of the importance of this issue to the Council, it is clear that early guidance is needed to supplement the MBLP approach whilst the DPD is under production.
- 2.6 One of the options to be considered through this DPD will be an approach based on the technical guidance produced by the Kent and Medway Air Quality Partnership, of which the Council is a member. The guidance has been developed for use by local authorities and provides for an innovative approach to assessing the air quality impacts of development and, crucially, to securing appropriate mitigation through the development management process.
- 2.7 The Partnership's guidance (Appendix A and B) is highly technical in nature but fundamentally provides a consistent methodology to assess the "damage costs" of a development proposal, in order to calculate and inform the scale and type of mitigation required to support a development proposal in air quality terms. This would include consideration of measures such as travel plans, electric vehicle charging infrastructure, designated parking spaces for low emission vehicles, cycle paths, links and storage and green infrastructure measures.
- 2.8 To date Medway Council and Thanet District Council have both adopted the guidance and it is understood that Tunbridge Wells Borough Council are also using it for development management purposes. In each case the Partnership's guidance has been considered and adapted to ensure it is fit for purpose within that local authority area. Similar approaches have been, and are being, introduced in other parts of the country, with some success, and there appears to be a clear shift away from traditional Air Quality Impact Assessments (AQIA) towards an approach which focusses more directly on the delivery and benefits of mitigation measures.
- 2.9 Were the Council to adopt Air Quality Technical Guidance based on this approach as a material consideration in the development management

process, this would provide an interim measure as a means to calculate and secure air quality mitigation measures in this way, in advance of the production of the Air Quality DPD. It is important to note however that any such guidance would not carry the same level of weight as policies which have gone through the statutory plan making process.

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- 2.10 The MBLP Inspector considered that there was a need for more robust mitigation measures centred on public transport both in terms of transport strategy and improving air quality. As set out in the MBLP and the ITS, there is a clear overlap between the promotion of sustainable transport and improvements in air quality. Measures such as travel planning, walking and cycling infrastructure, electric vehicle infrastructure and public transport improvements can support both objectives.
- 

- 2.11 In preparing draft Technical Guidance for Maidstone Borough, it will be important to ensure the guidance is adapted to best fit Maidstone's unique circumstances and to maximise its effectiveness, albeit as an interim measure, for use in the development management process. Accordingly, it will be necessary for officers to engage with Development Management and Environmental Health officers to develop the draft guidance.

- 2.12 It is anticipated that this work can be undertaken over the coming weeks to ensure that the draft guidance can be considered by this Committee over the summer.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 **Option 1:** Instruct officers to prepare draft Air Quality Technical Guidance for Maidstone Borough, adapted from the Kent and Medway Air Quality Partnership guidance, with the intention of this Committee adopting the Guidance for development management purposes.
- 3.2 **Option 2:** Do not commence work on interim Air Quality Technical Guidance for Maidstone Borough and postpone further work on this matter until work on the Air Quality DPD commences.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 is preferred given the importance that the Council attaches to addressing this issue, and the time period involved in producing the Air Quality DPD. The introduction of the approach set out by the Kent and Medway Air Quality Partnership, would provide for a shift in emphasis towards greater focus on securing and delivering effective mitigation which can contribute towards the objectives of the emerging LES and AQAP.
- 4.2 The development of Technical Guidance will require further consideration of the Partnership's methodology and guidance and its adaptation for use in Maidstone Borough, in collaboration with Development Management and Environmental Health officers. It is recommended therefore that this work



commences at the earliest opportunity to provide time for proper assessment and formulation of the most appropriate guidance for Maidstone Borough.

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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Proposed Main Modification 42, which amends the MBLP Air Quality policy and sets out the Council's commitment to develop an Air Quality DPD, was considered and approved for consultation as part of the Schedule of Proposed Main Modifications to the MBLP at this Committee's last meeting.
- 5.2 This is the first report on the proposal to develop interim Air Quality Technical Guidance for Maidstone Borough.
- 

## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If agreed, officers will commence work to develop a draft Air Quality Technical Guidance for Maidstone Borough in collaboration with officers in Development Management and Environmental Health, with a view to bringing a draft document for consideration for adoption to this Committee in the summer.
- 

## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The introduction of Technical Guidance can assist in the implementation of wider objectives set out in the Local Plan, Integrated Transport Strategy and the emerging LES and AQAP.	Rob Jarman Head of Planning and Development
<b>Risk Management</b>	If Technical Guidance is not introduced as an interim measure then there will be a substantive delay in producing more detailed guidance (policy) until the Air Quality DPD is prepared.	Rob Jarman Head of Planning and Development
<b>Financial</b>	No direct financial implications for the Council. The work can be developed using existing	[Section 151 Officer & Finance Team]

	officer resources. If introduced, the Guidance may raise additional finance for air quality mitigation.	
<b>Staffing</b>	The work can be developed using existing officer resources with input from Development Management and Environmental Health.	Rob Jarman Head of Planning and Development
<b>Legal</b>	No legal implications arise as a result of this report	[Legal Team]
<b>Equality Impact Needs Assessment</b>	Improvements to air quality will have positive effects for all equality groups.	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	The introduction of Technical Guidance can assist in the implementation of wider objectives set out in the Local Plan, Integrated Transport Strategy and the emerging LES and AQAP.	Rob Jarman Head of Planning and Development
<b>Community Safety</b>	No implications arise as a result of this report	Rob Jarman Head of Planning and Development
<b>Human Rights Act</b>	No implications arise as a result of this report	Rob Jarman Head of Planning and Development
<b>Procurement</b>	No implications arise as a result of this report	Rob Jarman Head of Planning and Development
<b>Asset Management</b>	No implications arise as a result of this report	Rob Jarman Head of Planning and Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

**Appendix A:** Kent & Medway Air Quality Partnership Air Quality Planning Guidance (Mitigation Option A)

**Appendix B:** Kent & Medway Air Quality Partnership Air Quality Planning Guidance (Mitigation Option B)

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**9. BACKGROUND PAPERS**

None



# Kent & Medway Air Quality Partnership

## Air Quality Planning Guidance (Mitigation Option A)

December 2015

## Summary

This supplementary planning document for [name of Council] has been prepared in conjunction with the Kent and Medway Air Quality Partnership. The Air Quality Partnership has been developed in response to the changes in national planning policy, through the National Planning Policy Framework (NPPF). This document will be reviewed and updated in light of any specific future national and local policy changes.

The document is available to download from the Council's website. In addition a template document on which this has been based on is available on the Kent and Medway Air Quality Partnership website [www.kentair.org.uk](http://www.kentair.org.uk).

This document has been developed to improve air quality across Kent and Medway and encourage emissions reductions to improve the environment and health of the population. In addition it aims to provide consistency as far as is practicable across the Kent and Medway area in the approach to air quality in the planning regime. In producing this document the Council also aims to provide developers with clear information as to what it will require and consistency in how it will approach planning applications in terms of air quality, which should help to speed up the planning process.

The document deals primarily with the air quality impacts from traffic emissions, although the increasing use of biomass boilers is now becoming an important local planning issue. The assessment and control of dust impacts during demolition and construction is also considered, as dusts contribute to airborne particulate matter. Greenhouse gas emissions are not addressed explicitly, as they are covered by other initiatives, but synergies exist between measures to minimise climate change and local air quality impacts.

It is recognised that development will in the main inherently increase road transport emissions, both during the construction and operational phases. However, it is also recognised that sustainable development can be a positive force for change. The approach in this document seeks to minimise road transport emissions wherever practicable to sustainable levels, by securing reasonable emission mitigation while also seeking to counter the cumulative impacts arising from all developments.

A key theme of the National Planning Policy Framework (NPPF) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle re-charging, should be provided. This document seeks to develop consistent EV re-charging standards for new developments across Kent.

The air quality assessment process follows a staged process:

1. Using the 'Screening checklist' to determine whether the proposal qualifies as a 'major development'
2. Determining whether the development requires an air quality assessment or emissions assessment using the 'Air Quality and emission mitigation assessment checklist';
3. Determining whether an air quality assessment is required to assess the impact on public health and/or the local environment as well as the significance of a development on local air quality;
4. Determining whether an application should be refused on air quality grounds or what mitigation measures are required to make the development acceptable on air quality grounds;

The assessment process is summarised in the flow chart on page 3.

## Acknowledgements:

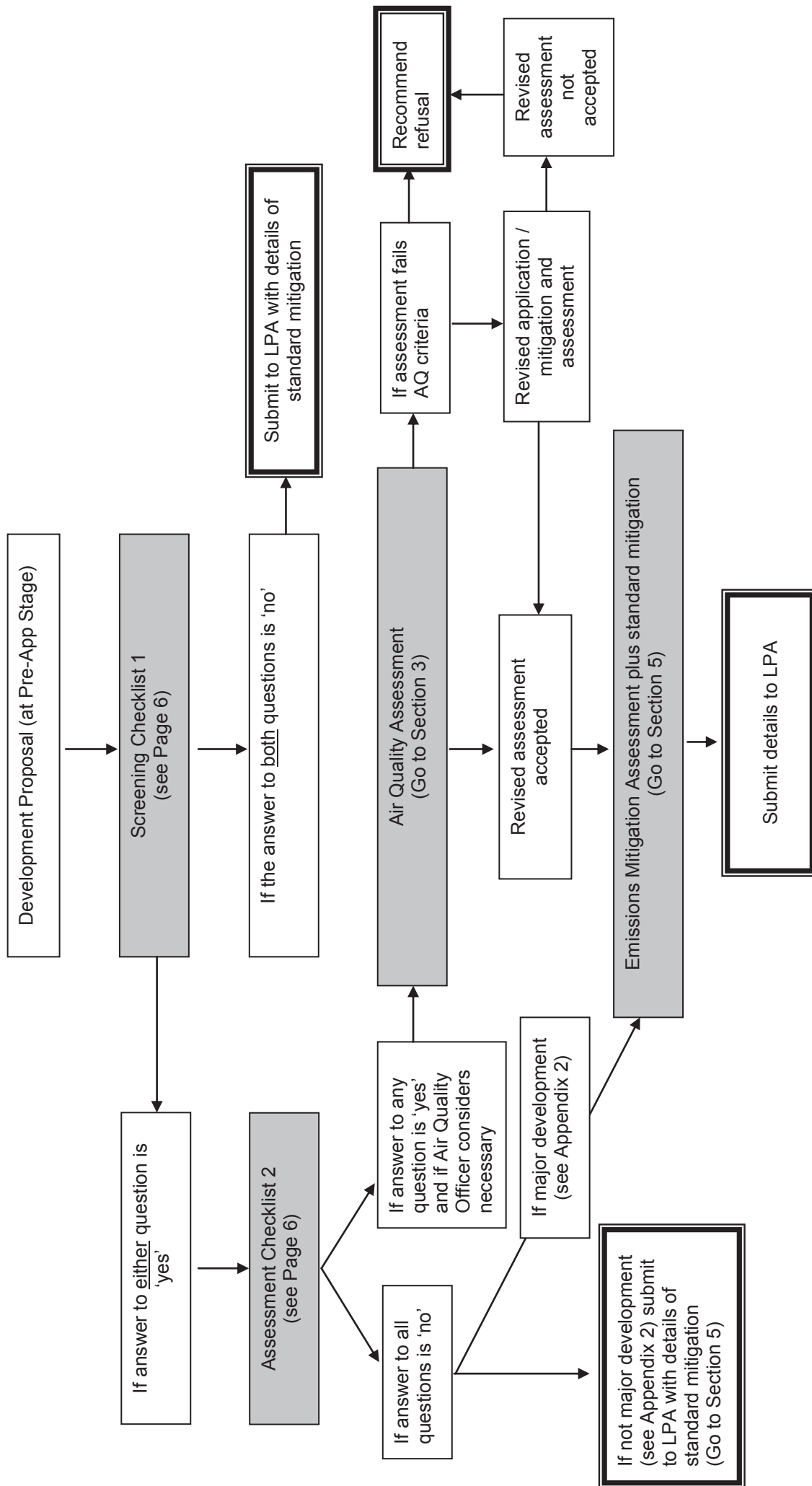
The supplementary planning document has been developed by using guidance documents produced by the Forest of Dean District Council, Sussex Air Quality Partnership and West Yorkshire Low Emissions Strategy Group with their permission.



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## Quick Reference Guide: Air Quality Assessment Process



## 1 Introduction

Clean air is essential for life. The quality of the air impacts on human health, the natural environment and can damage buildings and materials. The aim of this document is to provide advice for developers and their consultants on addressing local air quality when making a planning application in [insert name of Council].

[insert name of Council] continues to review and assess the air quality across the [District/Borough] to identify if there are any breaches of the [National Objectives](#). To date this has resulted in the declaration of **XX** Air Quality Management Areas (Appendix 1). These have been declared based on high nitrogen dioxide (NO<sub>2</sub>) levels and/or high levels of particulates (PM<sub>10</sub>).

Air quality is a material planning consideration when a development is considered. The Local Planning Authority (LPA) will require an air quality assessment where certain criteria are met.

This document has been developed to: -

- Introduce a method for assessing the air quality impacts of a development which includes the quantification of impacts, calculation of damage costs and the identification of mitigation measures to be implemented to negate the impact of development on air quality.
- Tackle cumulative impacts.
- Provide clarity and consistency of the process for developers, the local planning authority (LPA) and local communities.

### 1.1 Planning Policy Framework

#### 1.1.1 National Policy

National planning policy is now set by the National Planning Policy Framework (NPPF). The NPPF places a general presumption in favour of sustainable development, stressing the importance of local development plans. One of its 12 Core Planning Principles states that planning should:

“contribute to conserving and enhancing the natural environment and reducing pollution”, by: (paragraph 109) “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

It goes on to state (paragraphs 120 and 124) that:

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.

#### 1.1.2 Local Planning Policy

Local plans are at the heart of the planning system and the Planning and Compensation Act 2004, as amended by the Localism Act 2011, requires their preparation by local planning authorities. As well as the National Planning Policy Framework (NPPF), guidance for the preparation of Local Plans (formerly known as Local Development Frameworks) is to be found in Planning Practice Guidance prepared by Communities and Local Government and accessible through <http://planningguidance.planningportal.gov.uk/>. Local plan policies may be further elaborated by Supplementary Planning Documents which provide further detail on specific topics, and increasingly through Neighbourhood Plans introduced by the Localism Act.

## 1.2 Local Air Quality Management

The Environment Act 1995 established the Local Air Quality Management (LAQM) regime. LAQM requires Local Authorities to review and assess ambient air quality in their areas against health-based standards for a number of specific pollutants prescribed in the Air Quality Regulations 2000 and Air Quality (Amendment) Regulations 2002. If there is a risk that levels of air pollution in any part of the authority's area will be higher than the prescribed objectives, the authority is required to designate an Air Quality Management Area (AQMA). It is then required to produce an Air Quality Action Plan, which sets out the measures it intends to take in pursuit of the objectives.

It is not necessarily the case that a proposed development in an area of poor air quality will have a negative impact. However, it is important to recognise when such development might introduce additional people into an area of poor air quality.

The declaration of an AQMA does not mean that there will be no new development within that area. Rather, it means that greater weight must be given to the consideration of air quality impacts and their mitigation.

In addition, the boundary of an AQMA does not necessarily define the limit of the area of poor air quality. The only constraint on the boundary definition is that it should be at least as large as the area of exceedance, where there is relevant exposure.

The fact that a development is within or close to an AQMA does not mean that it is necessarily affecting an area of exceedance of an Objective, or that it is being affected by air pollution that exceeds the objective. On the other hand, a development could introduce new exposure into an area of poor air quality, which has not been identified and declared as an AQMA, as previously there was no relevant exposure. The presence or potential creation of an AQMA should therefore not prevent development but will mean that development which mitigates its affect on air quality will be expected.

## 2 What information is required and why

### 2.1 Pre-application stage

In order to avoid unnecessary delays in the planning process and ensure optimum scheme design and sustainability, it is vital for communication at an early stage. Pre-application discussions with the LPA should flag up if a development is planned in an AQMA or is a major development as stated in Checklist 1.

### 2.2 Checklist 1: Screening checklist

Screening checklist	Yes	No	Recommendations
Q1. Is the proposed development categorised as a major size development?*			<b>If Yes, go to Checklist 2</b> <b>If No, go to Q2.</b>
Q2. Is the proposed development within, or close to an Air Quality Management Area (AQMA)**			<b>If Yes, go to Checklist 2</b> <b>If No, Go to Section 5 standard mitigation for all developments</b>

Note: \* Major sized category defined by Department for Transport indicative thresholds for transport assessments (see Appendix 2)

\*\* AQMA locations can be found in Appendix 1

The purpose of Checklist 1 is to screen out developments which are not likely to have a significant effect on local air quality and, therefore, do not require further assessments.

*The assessment is quick, simple and can be carried out by a developer, their agent or the LPA. If you need any help in completing the checklists, then please contact the Local Authority Air Quality Officer.*

### 2.3 Checklist 2: Air quality and emissions mitigation assessment checklist

Question (answer all questions)	Yes	No	Recommendations
Q3. Does the development require an Environmental Impact Assessment (EIA)?			<b>If any question is answered = YES, Go to Section 5 standard mitigation for all developments and contact the Air Quality Officer to confirm whether an air quality (AQ) assessment and / or emission mitigation assessment is also required.</b> <b>OR</b> <b>If all questions are answered = NO, and the development is a major development then Go to Section 5 standard mitigation for all developments and undertake an emissions mitigation assessment.</b>
Q4. Will development type likely become large scale major development*? (either on its' own or as part of several separate cumulative planned developments.)			
Q5. Is there vehicle parking in the development: >100 (outside AQMA) or >50 (within or adjacent to AQMA)?			
Q6. For existing roads with >10,000 Annual Average Daily Traffic (AADT) does the development: Introduce extra vehicle movements (>5%), is it likely to cause congestion or introduce > 15 extra heavy duty vehicle movements per day?			
Q7. Will the development introduce new sensitive receptors into an AQMA?			
Q8. Are there any other proposed developments in the vicinity of this development which could have a cumulative effect on air quality?			
Q9. Is the development introducing biomass energy/heating plant into an urban environment?			



Q10. Is the development likely to impact on sensitive environments (i.e. SSSI's, National Parks etc.)			<p><b>OR</b></p> <p><b>If all questions are answered = NO, and the development is not a major development OR the Air Quality Officer determines there is no need for an AQ and/or emissions mitigation assessment = Go to Section 5 standard mitigation for all developments.</b></p>
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\*Large scale major development is one where the number of residential units to be constructed is 200 or more or 1,000 square metres of industrial, commercial or retail floor space. Where the number of residential units or floor space to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition.

The purpose of Checklist 2 is to determine whether a development requires an air quality assessment and/or an emissions mitigation assessment.

*The checklist should be carried out in consultation with the Local Authority Air Quality Officer.*

Whether or not an assessment is required all development within an AQMA must provide details of standard mitigation to be submitted.

## 2.4 Air Quality Assessment

The purpose of an air quality assessment is to determine whether the predicted impacts from a development on local air quality will impact on public health and/or the local environment. This section also assesses the significance of the impact of a development on local air quality.

*The assessment should be carried out by a developer's air quality consultant.*

Guidance on how to carry out an air quality assessment is given in Section 3, with supporting information provided in Appendix 3.

## 2.5 Planning Requirements and Outcomes

The planning requirements and outcomes section provides information on whether a development should be refused on air quality grounds or if granted planning permission, what measures are required from a developer to make the development acceptable on air quality grounds. Planning requirements in relation to the effect of a development on air quality are provided in Section 4.

Note: this section does not set out the specific mitigation requirements; these are provided in Section 5: Emissions mitigation assessment.

## 2.6 Emissions Mitigation Assessment

All major developments, will require an emissions mitigation assessment. The purpose of an emissions mitigation assessment is to determine the appropriate level of mitigation required from a development, by assessing the emission from that development.

*The assessment should be carried out by a developer's air quality consultant.*

Guidance on how to carry out an emission mitigation assessment is given in Section 5, with supporting information provided in the Appendices.

### 3 Air quality assessment

Before proceeding with the assessment, please contact the Air Quality Officer to confirm that an assessment is needed. After confirmation and completion of the assessment, proceed to section 5 to produce the emission mitigation assessment.

The purpose of an air quality assessment is to determine whether the predicted impact of a development on local air quality would adversely affect public health and/or the local environment, both to help determine a planning application and to determine the appropriate level of mitigation from a development. The assessment should be carried out by a developer's air quality consultant.

*Applicants should always seek the latest information available on local air quality from the Air Quality Officer.*

#### 3.1 Air quality assessment process

This section provides the technical elements and methodology for undertaking air quality assessments for developments. This includes:

- Guidance on air quality assessments
- Significance criteria for determining a developments' impact on air quality
- Recommendations for planning decisions.

#### 3.2 Air quality assessment

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission). The Council has used similar assessment methods to fulfil the requirements of their detailed Review and Assessment that led to the AQMA designations. For consistency, air quality assessments for developments should, where possible, follow similar methodologies.

- The Council will work with developers by providing guidance on the suitability of such measures which should be incorporated at the early design stage of any proposal.
- Guidance on the methodologies to be used for air quality assessments is also available in the Department for Environment, Food and Rural Affairs (DEFRA) Technical Guidance LAQM TG(09).

Note: Further detail of the air quality assessment requirements can be found in Appendix 3.

#### 3.3 Developments that require an Environmental Impact Assessment (EIA)

The EIA procedure ensures that the likely effects of a new development on the environment are fully understood. The EIA is likely to include a detailed study of the effects of any development upon local air quality as highlighted below.

- Developments that require an EIA include major developments which are of more than local importance; developments which are proposed for particularly environmentally sensitive or vulnerable locations and developments with unusually complex and potentially hazardous environmental effects.
- Most proposals for commercial or industrial installations that have the potential to emit pollution (e.g. Part A1, A2 and B installations) are likely to require an air quality assessment under the EIA regulations but more detailed "screening" may be required before this can be finally determined.

There are likely to be many other situations where developments that do not require a full EIA will nevertheless warrant an air quality assessment as part of the planning application.

- It is advised that developers, as good practice, should check with the LPA to determine whether an air quality assessment is required before submitting a planning application.

**Key point:**

Planning applications for major developments may require an EIA, which may need to include a more detailed assessment of the likely air quality effects. The Environmental Impact Assessment Directive provides the policy requirement for EIAs.

### 3.4 Determining the impact of a development on air quality

The key concern with regard to the air quality impacts of a development is the likely effect on human health. It is important that an air quality assessment evaluates modelled air quality in terms of changes in pollution concentrations where there is relevant public exposure.

- The Air Quality Regulations are concerned with areas that exceed air quality objectives and the revised Air Quality Strategy (2007) considers overall exposure reduction.
- This guidance considers that any development that leads to additional air pollution problems, even if it is outside an AQMA, could be significant.
- The local authority will have to make a balanced judgment on the likely impact of each development, based on the results of the air quality assessment and their professional experience. The local authority may also need to consider the impact of the development on air quality in neighbouring authorities.

### 3.5 Areas where air quality is a concern

There are key areas where the magnitude of change as well as the concentration of pollutants in air caused by proposed development is a concern.

In some cases, any additional contribution of emissions may worsen air quality and cause the creation of a new AQMA and, therefore, a small change in pollutant concentration can be as much a cause for concern as a large one. The areas of concern to consider are:

- AQMAs
- Areas near to or adjacent to AQMAs and candidate AQMAs
- Developments that require an EIA

The process for determining the impacts of a development on air quality is detailed below.

### 3.6 Assessment of the air quality impacts of a development.

1. The air quality assessment provides modelled predicted concentrations for scenarios (for the year of application and an agreed year of opening): without development (baseline), with development, with development including mitigation measures.
2. A comparison of the scenarios will be presented in the report. Compare scenario “without development (baseline)” with scenario “with development including mitigation measures”.
3. The difference in the compared scenarios is used to determine the classification of the change in air quality concentration.
4. The scale of air quality impact due to changes of concentration or if the additional concentration causes local exposure to approach or breach air quality objectives, determines the planning recommendations.
5. Planning recommendations are then provided.

### 3.7 Scaling of impacts on air quality from a development

An air quality assessment of a development should include modelling results as part of an air quality assessment for a proposal. These shall include modelled output scenarios “with” and “with-out” mitigation proposals as part of the application, to demonstrate predicted health exposure.

- Once the modelled outputs are agreed by the Air Quality Officer, then the scale or “magnitude” of change in pollutant concentration can be used to determine the significance of the air quality impact from a development.
- The increase in pollutant concentration is compared to National Air Quality Objective (AQO) levels and pollutant increases are expressed as percentages according to Table 1.
- The level of the change or magnitude provides the scale for recommendations for a planning decision (see Table 2, below).

The following table sets the classification of impact to determine their significance.

Table 1 Classification of impacts due to changes in pollutant concentration.

Classification of impact	Concentration change due to development:	Or if development contribution causes:
Very High	Increase > 10%	Worsening of air quality within an existing AQMA Creation of a new AQMA Introduction of new receptors within an existing AQMA
High	Increase > 5 – 10%	Levels to be within 5% AQO
Medium	Increase >1 <5 %	Levels to be within 10% AQO
Low/Imperceptible	Increase < 1%	-

*Note: Concentrations are relative to national air quality objective levels (AQO).*

## 4 Planning requirements

If the air quality assessment determines specific changes in air quality due to a single development or from the cumulative effect of several developments; the following determinations will be made by the LPA (see Table 2).

- An overriding consideration will be to ensure that the air quality in existing AQMAs does not worsen by the introduction of a development and/or that there is no additional air pollution burden from a development(s) which could create new AQMAs.
- Each decision must be a balance of all material considerations depending upon the individual merits and circumstances. The weight to be given to the impact on air quality in the consideration of a planning application and the acceptability of proposed mitigation measures lies with the relevant local planning authority. Any agreed measures will be taken forward by condition where possible, or through the use of Section 106 agreements.
- Refusal of a planning application may still result if air quality impacts from a development remain, even after all reasonable means to mitigate the impacts on air quality have been exhausted.

Table 2 Planning requirements and outcomes.

Magnitude of change in air quality	Likely requirements	Likely outcomes
Very High	Require evidence to show that mitigation will cancel out air quality impacts. If impact of development on air quality still very high = strong presumption for recommendation for refusal on air quality grounds.	Recommend refusal
High	Seek mitigation to significantly reduce air quality impacts. Mitigation to include reducing exposure through various measures, emissions reduction technologies and/or development redesign.	Recommend refusal unless significant mitigation measures are implemented.
Medium	Seek mitigation to reduce air quality impacts. Mitigation to include reducing exposure through various measures, emissions reduction technologies and/or development redesign.	Ensure mitigation is implemented.
Low/Imperceptible	Recommend the minimum mitigation for development scheme type.	Ensure minimum mitigation is implemented.



## 5 Emissions mitigation assessment

### 5.1 Standard mitigation for all developments

#### Residential:

All gas-fired boilers to meet a minimum standard of <40mgNO<sub>x</sub>/kWh

1 Electric Vehicle charging point\* per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)

#### Commercial/Retail/Industrial:

10% of parking spaces to be provided with Electric Vehicle charge points\* which may be phased with 5% initial provision and the remainder at an agreed trigger level

#### Demolition/Construction:

Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction

Notes:

\* this shall be the best technology available at the time of planning approval

### 5.2 Emissions mitigation assessment

The purpose of an emissions mitigation assessment is to assess the local emissions from a development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. In addition the developer will be required to minimise dust emissions during the construction phase in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.

Where mitigation is not integrated into a scheme, the LPA will require this through a planning condition(s). If on-site mitigation is not possible then the LPA may seek contribution to wider air quality mitigation measures through a section 106 agreement.

Each emissions mitigation assessment should include a brief emissions mitigation statement.

#### **Emissions mitigation statement**

The statement must include:

- Development traffic input data for emissions mitigation calculation
- Emissions calculation and totals
- Mitigation proposed to be equivalent to the value of emissions calculation (appropriate to the type and size of development and local policy requirements)
- Statement of provision required to minimise dust emissions in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.

### 5.3 Mitigation for minor developments:

If the development is within or close to an AQMA and is considered minor development then it will be at the discretion of the Air Quality Officer to suggest reasonable mitigation options for these types of development.

#### 5.4 Mitigation for all other developments:

The emissions mitigation calculator provides a formula to calculate the emissions resulting from a development and produces an exposure cost value to be spent on mitigation measures.

The assessment should be carried out by a developer's air quality consultant. Please contact the Air Quality Officer for assistance.

#### 5.5 Emissions mitigation calculation

An emissions mitigation calculation inputs the additional number of trips generated by the development into the latest DEFRA Emissions Factor Toolkit (EFT)<sup>1</sup> which calculates the amount of transport related pollutant emissions a development is likely to produce. If the proposal is to include alternative fuels or technology i.e. LPG, EV etc, then there are "advanced options" within the EFT to accommodate this. The output is given in kg of specified pollutant per year and requires converting to tonnes per year. The output is then multiplied by the Interdepartmental Group on Costs and Benefits (IGCB) damage costs<sup>2</sup> for the key pollutants nitrogen oxides (NOx) and particulates (PM10). Finally the emissions total is then multiplied by 5 to provide a 5 year exposure cost value which is the amount (value) of mitigation that is expected to be spent on measures to mitigate those impacts. This value is used for costing the required emissions mitigation for the development.

The emissions mitigation is summarised below: -

##### **Emissions Mitigation Calculation**

EFT output x Damage costs x 5 years = 5 year exposure cost value

<sup>1</sup> <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>

<sup>2</sup> <http://www.gov.uk/guidance/air-quality-economic-analysis>

## 5.6 Example emissions mitigation calculation

The following example demonstrates the calculation based on a development with 10 domestic properties within an AQMA using version 6.0.2 of the EFT.

### **EFT input factors:**

10 Household (urban not London) (2015) (NOx and PM10)

27 (trip/traffic ratio for 10 houses)

cars only (0% HGV)

50 kph (average speed)

10km (NTS UK average.)

**EFT output** = 34.74 kg/annum (NOx) and 3.39 kg/annum (PM10)

= 0.03474 tonnes/annum (NOx) and 0.00339 tonnes/annum (PM10)

x Damage cost £21,044/tonne (NOx) and £58,125/tonne (PM10)

=£731.07 + £197.04

x 5 (years)

= £3655.34 + £985.21

Total = £4,640

### Notes:

- Trip rates can be sourced from transport assessment or local authority/transport authority.
- Trip length uses the 2014 National Travel Survey (NTS)<sup>3</sup> UK average = 7.3miles/10km
- The IGCB damage costs used are the IGCB Air Quality Damage Costs per tonne, 2015 prices (Central estimate: NOx = £21,044/tonne and PM10 £58,125/tonne Transport Average).

<sup>3</sup> <https://www.gov.uk/government/collections/national-travel-survey-statistics>

## 5.7 Requirements for mitigation measures

The mitigation options selected for a development should be relevant and appropriate to:

- Any local policies including Air Quality Action Plans, which may determine the mitigation priorities that the local authority may wish to be incorporated within a particular scheme.
- Any local air quality concerns; to assist in the mitigation of potential cumulative air pollution impacts of the development on the local community.
- The type, size and activity of the development.

Scheme mitigation should be provided within the design of the development where possible. Table 3 lists the mitigation measures to be considered.

**Table 3 Mitigation measures**

Standard mitigation plus: -
<b>Residential</b> <ul style="list-style-type: none"><li>• Travel plan (where required) including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies</li><li>• A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers</li><li>• Eco-driver training and provision of eco-driver aid to all residents</li><li>• EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points)</li><li>• Car club provision within development or support given to local car club/eV car clubs</li><li>• Designation of parking spaces for low emission vehicles</li><li>• Improved cycle paths to link cycle network</li><li>• Adequate provision of secure cycle storage</li><li>• Using green infrastructure, in particular trees* to absorb dust and other pollutants</li></ul>
<b>Commercial/Industrial</b> <ul style="list-style-type: none"><li>• As above plus: -</li><li>• Differential parking charges depending on vehicle emissions</li><li>• Public transport subsidy for employees</li><li>• All commercial vehicles should comply with either current or previous European Emission Standard</li><li>• Fleet operations should provide a strategy for considering reduced emissions, low emission fuels and technologies</li><li>• Use of ultra low emission service vehicles</li><li>• Support local walking and cycling initiatives</li><li>• On-street EV recharging</li><li>• Contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development</li></ul>
<b>Additional mitigation</b> <ul style="list-style-type: none"><li>• Contribution to low emission vehicle refuelling infrastructure</li><li>• Low emission bus service provision or waste collection services</li><li>• Bike/e-bike hire schemes</li><li>• Contribution to renewable fuel and energy generation projects</li><li>• Incentives for the take-up of low emission technologies and fuels</li></ul>
*For guidance on selecting the best air quality species please refer to the Urban Air Quality 2012 Woodland Trust document

The above lists are not exhaustive and further options may be suggested where the Council feels it is appropriate, depending on the scale of development and air quality issues within an area. The developer may also suggest alternative mitigation options not listed above provided that they clearly show the air quality benefits.

## References

The Air Quality Standards Regulations 2010

<http://www.legislation.gov.uk/ukxi/2010/1001/contents/made>

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf)

Guidance on the assessment of dust from demolition and construction – IAQM (2014)

<http://www.iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

DEFRA Emissions Factor Toolkit

<http://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>

DEFRA Impact pathway guidance for valuing changes in air quality (2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197900/pb13913-impact-pathway-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197900/pb13913-impact-pathway-guidance.pdf)

DEFRA Interdepartmental Group on Costs and Benefits

<https://www.gov.uk/air-quality-economic-analysis>

DEFRA Technical Guidance Note LAQM TG (09)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69334/pb13081-tech-guidance-laqm-tg-09-090218.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69334/pb13081-tech-guidance-laqm-tg-09-090218.pdf)

Environmental Impact Assessment Directive

<http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

European Union Limit Values

<http://ec.europa.eu/environment/air/quality/standards.htm>

Electric Vehicle (EV) Network

<http://www.ev-network.org.uk/>

HM Treasury, Valuing impacts on air quality – Supplementary Green Book Guidance (2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf)

National Planning Policy Framework (NPPF) March 2012

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Town and Country Planning (Development Management Procedure) (England) Order 2010

[http://www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi\\_20102184\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi_20102184_en.pdf)



## Appendix 1 – Maps of AQMAs

## Appendix 2 - Criteria for Development Classification

The major sized category is determined using criteria from the Department for Transport indicative thresholds for transport assessments<sup>4</sup>.

Table 1: Criteria for Development Classification

Land Use	Description	Further Assessment Required
Food Retail (A1)	Retail sale of food goods to the public - supermarkets, superstore, convenience food store	>800m2
Non-Food Retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars or other cold food purchased and consumed off site	>1500m2
Financial and professional services (A2)	Banks, building societies and bureaux de change, professional services, estate agents, employment agencies, betting shops	>2500m2
Restaurants and Cafes (A3)	Use for the sale of food consumption on the premises	>2500m2
Drinking Establishments (A4)	Use as a public house, wine-bar for consumption on or off the premises	>600m2
Hot Food Takeaway (A5)	Use for the sale of hot food for consumption on or off the premises	>500m2
Business (B1)	(a) Offices other than in use within Class A2 (financial & professional) (b) Research & Development - laboratories, studios (c) Light industry	>2500m2
General Industrial (B2)	General industry (other than B1)	>4000m2
Storage and Distribution (B8)	Storage and distribution centres - wholesale warehouses, distribution centres and repositories	>5000m2
Hotels (C1)	Hotels, boarding houses and guest houses	>100 bedrooms
Residential Institutions (C2)	Hospitals, nursing homes used for residential accommodation and care	>50 beds
Residential Institutions (C2)	Boarding schools and training centres	>150 students
Residential Institutions (C2)	Institutional hostels, homeless centres	>400 residents
Dwelling houses (C3)	Dwellings for individuals, families or not more than six people in a single household	>50 units
Non-Residential Institutions (D1)	Medical & health services, museums, public libraries, art galleries, non-residential education, places of worship and church halls	>1000m2
Assembly and Leisure (D2)	Cinemas, dance and concert halls, sports halls, swimming, skating, gym, bingo, and other facilities not involving motorised vehicles or firearms.	>1500m2

<sup>4</sup> <http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/adobepdf/165237/202657/guidanceontaappendixb>

Other
1. Any development generating 30 or more two-way vehicle movements in any hour
2. Any development generating 100 or more two-way vehicle movements per day
3. Any development proposing 100 or more parking spaces
4. Any relevant development proposed in a location where the local transport infrastructure is inadequate
5. Any relevant development proposed in a location adjacent to an Air Quality Management Area (AQMA)

### **Appendix 3 - Air Quality Assessment Protocol to Determine the Impact of Vehicle Emissions from Development Proposals**

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission).

#### Key Components of an Air Quality Assessment

The assessment will require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data. The modelling should be undertaken using recognised, verified local scale models by technically competent personnel and in accordance with LAQM TG.09. The study will comprise of:

1. The assessment of the existing air quality in the study area for the baseline year with agreed receptor points and validation of any dispersion model;
2. The prediction of future air quality without the development in place (future baseline or do nothing);
3. The prediction of future road transport emissions and air quality with the development in place (with development or do-something).
4. The prediction of future road transport emissions and air quality with the development (with development or do-something) and with identified mitigation measures in place.

The assessment report should include the following details:

A. A detailed description of the proposed development, including:

- Identify any on-site sources of pollutants;
- Overview of the expected traffic changes;
- The sensitivity of the area in terms of objective concentrations;
- Local receptors likely to be exposed;
- Pollutants to be considered and those scoped out of the process.

B. The relevant planning and other policy context for the assessment.

C. Description of the relevant air quality standards and objectives.

D. The assessment method details including model, input data and assumptions:

For traffic assessment;

- Traffic data used for the assessment;
- Emission data source;
- Meteorological data source and representation of area;
- Baseline pollutant concentration including any monitoring undertaken;
- Background pollutant concentration;
- Choice of base year;
- Basis for NO<sub>x</sub>:NO<sub>2</sub> calculations;
- A modelling sensitivity test for future emissions with and without reductions;

For point source assessments:

- Type of plant;
- Source of emission data and emission assumptions;
- Stack parameters – height, diameter, emission velocity and exit temperature;
- Meteorological data source and representation of area;
- Baseline pollutant concentrations;

- Background pollutant concentrations;
- Choice of baseline year;
- Basis for deriving NO<sub>2</sub> from NO<sub>x</sub>.

E. Model verification for all traffic modelling following DEFRA guidance LAQM.TG (09):

F. Identification of sensitive locations:

G. Description of baseline conditions:

H. Description of demolition/construction phase impacts:

I. Summary of the assessment results:

- Impacts during the demolition/construction phase;
- Impacts during the operation phase;
- The estimated emissions change of local air pollutants;
- Identified breach or worsening of exceedences of objectives (geographical extent)
- Whether Air Quality Action Plan is compromised;
- Apparent conflicts with planning policy and how they will be mitigated.

J. Mitigation measures.

#### Air Quality Monitoring

In some case it will be appropriate to carry out a short period of air quality monitoring as part of the assessment work. This will help where new exposure is proposed in a location with complex road layout and/or topography, which will be difficult to model or where no data is available to verify the model. Monitoring should be undertaken for a minimum of six months using agreed techniques and locations with any adjustments made following Defra Technical Guidance LAQM.TG (09).

#### Assessing Demolition/Construction Impacts

The demolition and construction phases of development proposals can lead to both nuisance dust and elevated fine particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations. Modelling is not appropriate for this type of assessment, as emission rates vary depending on a combination of the construction activity and meteorological conditions, which cannot be reliably predicted. The assessment should focus on the distance and duration over which there is a risk that impacts may occur. The Institute of Air Quality Management (IAQM)<sup>5</sup> has produced a number of definitive guidance documents to which this guidance refers. The document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance' should be the reference for reporting the construction assessment.

#### Cumulative Impacts

The NPPF (paragraph 124) recognises that a number of individual development proposals within close proximity of each other require planning policies and decisions to consider the cumulative impact of them. Difficulties arise when developments are permitted sequentially, with each individually having only a relatively low polluting potential, but which cumulatively result in a significant worsening of air quality. This will occur where:

- A single large site is divided up into a series of units, such as an industrial estate or retail park;
- A major development is broken down into a series of smaller planning applications for administrative ease; and
- There are cumulative air quality impacts from a series of unrelated developments in the same area.

<sup>5</sup> IAQM [www.iaqm.co.uk](http://www.iaqm.co.uk)

In the first two cases, the cumulative impact will be addressed by the likelihood that a single developer will bring forward an outline application for the whole site which should include an air quality assessment as part of an Environmental Impact Assessment. For major developments that are broken down into a series of smaller planning applications, the use of a 'Master or Parameter Plan' that includes an air quality assessment will address the cumulative impact.



## Appendix 4 - Electric Vehicle Charging Point Specification:

This shall be the best technology available at the time of planning approval.

### EV ready domestic installations

- Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).
- A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point for future connection to an external charge point
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require an additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

### EV ready commercial installations

Commercial and industrial installations may have private 11,000/400 V substations where a TN-S supply may be available, simplifying the vehicle charging installation design and risk analysis. It is, therefore, essential for developers to determine a building's earthing arrangements before installation. Commercial vehicles have a range of charge rates and it is appropriate to consider a 3-phase and neutral supply on a dedicated circuit emanating from a distribution board. More than one EV charging station can be derived from a source circuit, but each outlet should be rated for a continuous demand of 63Amps. No diversity should be applied throughout the EV circuitry. 3 phase RCBOs should be installed and the supply terminated in a switched lockable enclosure. If an external application (for example car park or goods yard) is selected, the supply should be terminated in a feeder pillar equipped with a multi-pole isolation switch, typically a 300mA RCD, a sub-distribution board (if more than one outlet is fed from the pillar). If an additional earthing solution is required, the earth stake can be terminated within this pillar. See IET guideline risk assessment<sup>6</sup>.

<sup>6</sup> [www.theiet.org/resources/standards/ev-charging-cop.cfm](http://www.theiet.org/resources/standards/ev-charging-cop.cfm)



# Kent & Medway Air Quality Partnership

## Air Quality Planning Guidance ( Mitigation Option B)

December 2015

## Summary

This supplementary planning document for [name of Council] has been prepared in conjunction with the Kent and Medway Air Quality Partnership. The Air Quality Partnership has been developed in response to the changes in national planning policy, through the National Planning Policy Framework (NPPF). This document will be reviewed and updated in light of any specific future national and local policy changes.

The document is available to download from the Council's website. In addition a template document on which this has been based on is available on the Kent and Medway Air Quality Partnership website [www.kentair.org.uk](http://www.kentair.org.uk).

This document has been developed to improve air quality across Kent and Medway and encourage emissions reductions to improve the environment and health of the population. In addition it aims to provide consistency as far as is practicable across the Kent and Medway area in the approach to air quality in the planning regime. In producing this document the Council also aims to provide developers with clear information as to what it will require and consistency in how it will approach planning applications in terms of air quality, which should help to speed up the planning process.

The document deals primarily with the air quality impacts from traffic emissions, although the increasing use of biomass boilers is now becoming an important local planning issue. The assessment and control of dust impacts during demolition and construction is also considered, as dusts contribute to airborne particulate matter. Greenhouse gas emissions are not addressed explicitly, as they are covered by other initiatives, but synergies exist between measures to minimise climate change and local air quality impacts.

It is recognised that development will in the main inherently increase road transport emissions, both during the construction and operational phases. However, it is also recognised that sustainable development can be a positive force for change. The approach in this document seeks to minimise road transport emissions wherever practicable to sustainable levels, by securing reasonable emission mitigation while also seeking to counter the cumulative impacts arising from all developments.

A key theme of the National Planning Policy Framework (NPPF) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle re-charging, should be provided. This document seeks to develop consistent EV re-charging standards for new developments across Kent.

The air quality assessment process follows a staged process:

1. Using the 'Screening checklist' to determine whether the proposal qualifies as a 'major development'
2. Determining whether the development requires an air quality assessment or emissions assessment using the 'Air Quality and emission mitigation assessment checklist';
3. Determining whether an air quality assessment is required to assess the impact on public health and/or the local environment as well as the significance of a development on local air quality;
4. Determining whether an application should be refused on air quality grounds or what mitigation measures are required to make the development acceptable on air quality grounds;

The assessment process is summarised in the flow chart on page 3.

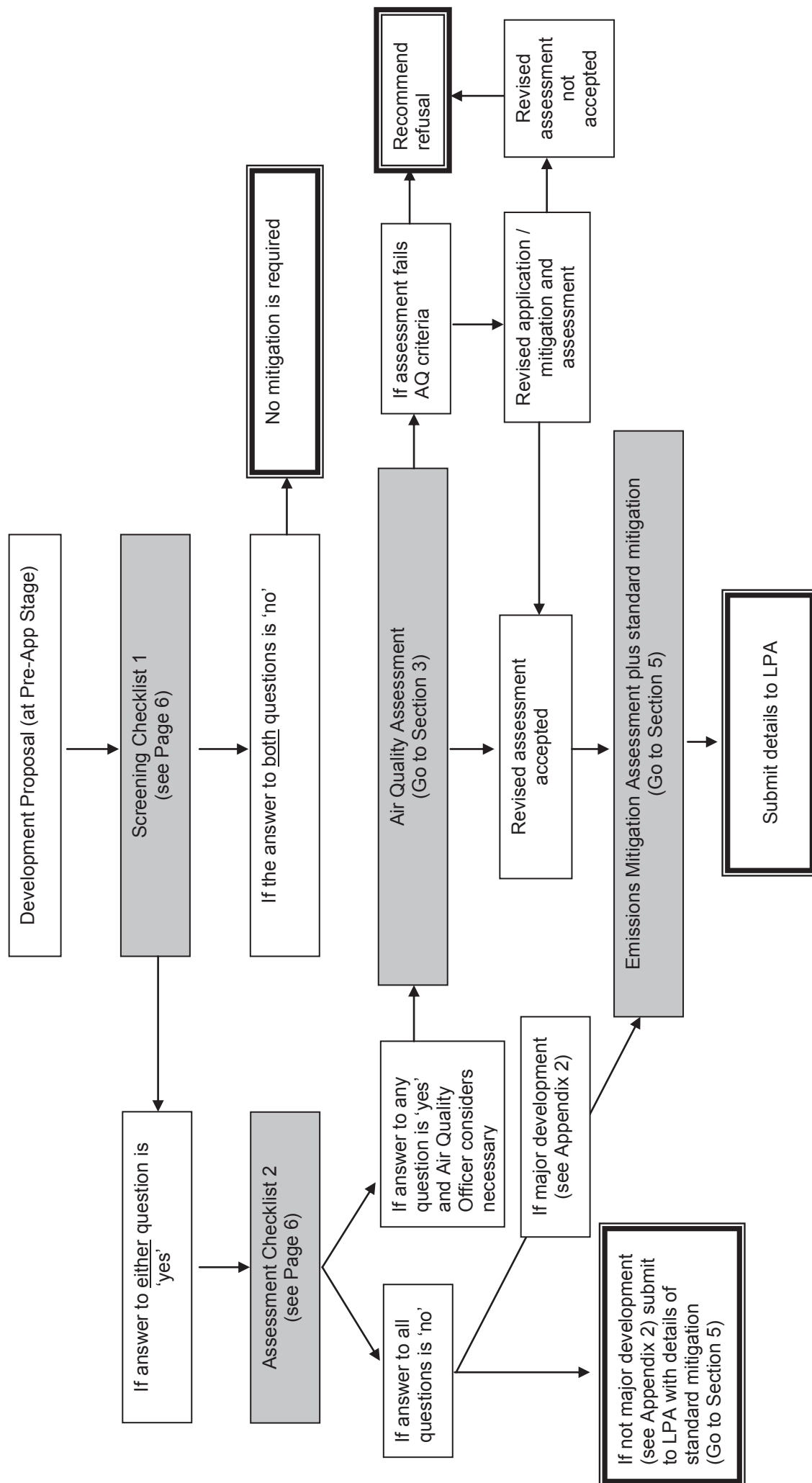
## Acknowledgements:

The supplementary planning document has been developed by using guidance documents produced by the Forest of Dean District Council, Sussex Air Quality Partnership and West Yorkshire Low Emissions Strategy Group with their permission.

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## Quick Reference Guide: Air Quality Assessment Process





## 1 Introduction

Clean air is essential for life. The quality of the air impacts on human health, the natural environment and can damage buildings and materials. The aim of this document is to provide advice for developers and their consultants on addressing local air quality when making a planning application in [insert name of Council].

[insert name of Council] continues to review and assess the air quality across the [District/Borough] to identify if there are any breaches of the [National Objectives](#). To date this has resulted in the declaration of XX Air Quality Management Areas (Appendix 1). These have been declared based on high nitrogen dioxide (NO<sub>2</sub>) levels and/or high levels of particulates (PM<sub>10</sub>).

Air quality is a material planning consideration when a development is considered. The Local Planning Authority (LPA) will require an air quality assessment where certain criteria are met.

This document has been developed to: -

- Introduce a method for assessing the air quality impacts of a development which includes the quantification of impacts, calculation of damage costs and the identification of mitigation measures to be implemented to negate the impact of development on air quality.
- Tackle cumulative impacts.
- Provide clarity and consistency of the process for developers, the local planning authority (LPA) and local communities.

### 1.1 Planning Policy Framework

#### 1.1.1 National Policy

National planning policy is now set by the National Planning Policy Framework (NPPF). The NPPF places a general presumption in favour of sustainable development, stressing the importance of local development plans. One of its 12 Core Planning Principles states that planning should:

“contribute to conserving and enhancing the natural environment and reducing pollution”, by: (paragraph 109) “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

It goes on to state (paragraphs 120 and 124) that:

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.

#### 1.1.2 Local Planning Policy

Local plans are at the heart of the planning system and the Planning and Compensation Act 2004, as amended by the Localism Act 2011, requires their preparation by local planning authorities. As well as the National Planning Policy Framework (NPPF), guidance for the preparation of Local Plans (formerly known as Local Development Frameworks) is to be found in Planning Practice Guidance prepared by Communities and Local Government and accessible through <http://planningguidance.planningportal.gov.uk/>. Local plan policies may be further elaborated by Supplementary Planning Documents which provide further detail on specific topics, and increasingly through Neighbourhood Plans introduced by the Localism Act.

## 1.2 Local Air Quality Management

The Environment Act 1995 established the Local Air Quality Management (LAQM) regime. LAQM requires Local Authorities to review and assess ambient air quality in their areas against health-based standards for a number of specific pollutants prescribed in the Air Quality Regulations 2000 and Air Quality (Amendment) Regulations 2002. If there is a risk that levels of air pollution in any part of the authority's area will be higher than the prescribed objectives, the authority is required to designate an Air Quality Management Area (AQMA). It is then required to produce an Air Quality Action Plan, which sets out the measures it intends to take in pursuit of the objectives.

It is not necessarily the case that a proposed development in an area of poor air quality will have a negative impact. However, it is important to recognise when such development might introduce additional people into an area of poor air quality.

The declaration of an AQMA does not mean that there will be no new development within that area. Rather, it means that greater weight must be given to the consideration of air quality impacts and their mitigation.

In addition, the boundary of an AQMA does not necessarily define the limit of the area of poor air quality. The only constraint on the boundary definition is that it should be at least as large as the area of exceedance, where there is relevant exposure.

The fact that a development is within or close to an AQMA does not mean that it is necessarily affecting an area of exceedance of an Objective, or that it is being affected by air pollution that exceeds the objective. On the other hand, a development could introduce new exposure into an area of poor air quality, which has not been identified and declared as an AQMA, as previously there was no relevant exposure. The presence or potential creation of an AQMA should therefore not prevent development but will mean that development which mitigates its affect on air quality will be expected.

## 2 What information is required and why

### 2.1 Pre-application stage

In order to avoid unnecessary delays in the planning process and ensure optimum scheme design and sustainability, it is vital for communication at an early stage. Pre-application discussions with the LPA should flag up if a development is planned in an AQMA or is a major development as stated in Checklist 1.

### 2.2 Checklist 1: Screening checklist

Screening checklist	Yes	No	Recommendations
Q1. Is the proposed development categorised as a major size development?*			<b>If Yes, go to Checklist 2</b> <b>If No, go to Q2.</b>
Q2. Is the proposed development within, or close to an Air Quality Management Area (AQMA)**			<b>If Yes, go to Checklist 2</b> <b>If No, no mitigation is required</b>

Note: \* Major sized category defined by Department for Transport indicative thresholds for transport assessments (see Appendix 2)

\*\* AQMA locations can be found in Appendix 1

The purpose of Checklist 1 is to screen out developments which are not likely to have a significant effect on local air quality and, therefore, do not require further assessments.

*The assessment is quick, simple and can be carried out by a developer, their agent or the LPA. If you need any help in completing the checklists, then please contact the Local Authority Air Quality Officer.*

### 2.3 Checklist 2: Air quality and emissions mitigation assessment checklist

Question (answer all questions)	Yes	No	Recommendations
Q3. Does the development require an Environmental Impact Assessment (EIA)?			<b>If any question is answered = YES, Go to Section 5 standard mitigation for all developments and contact the Air Quality Officer to confirm whether an air quality (AQ) assessment and / or emission mitigation assessment is also required.</b> <b>OR</b> <b>If all questions are answered = NO, and the development is a major development then Go to Section 5 standard mitigation for all developments and undertake an emissions mitigation assessment.</b>
Q4. Will development type likely become large scale major development*? (either on its' own or as part of several separate cumulative planned developments.)			
Q5. Is there vehicle parking in the development: >100 (outside AQMA) or >50 (within or adjacent to AQMA)?			
Q6. For existing roads with >10,000 Annual Average Daily Traffic (AADT) does the development: Introduce extra vehicle movements (>5%), is it likely to cause congestion or introduce > 15 extra heavy duty vehicle movements per day?			
Q7. Will the development introduce new sensitive receptors into an AQMA?			
Q8. Are there any other proposed developments in the vicinity of this development which could have a cumulative effect on air quality?			
Q9. Is the development introducing biomass energy/heating plant into an urban environment?			

Q10. Is the development likely to impact on sensitive environments (i.e. SSSI's, National Parks etc.)			<p><b>OR</b></p> <p><b>If all questions are answered = NO, and the development is not a major development OR the Air Quality Officer determines there is no need for an AQ and/or emissions mitigation assessment = Go to Section 5 standard mitigation for all developments.</b></p>
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\*Large scale major development is one where the number of residential units to be constructed is 200 or more or 1,000 square metres of industrial, commercial or retail floor space. Where the number of residential units or floor space to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition.

The purpose of Checklist 2 is to determine whether a development requires an air quality assessment and/or an emissions mitigation assessment.

*The checklist should be carried out in consultation with the Local Authority Air Quality Officer.*

Whether or not an assessment is required all development within an AQMA must provide details of standard mitigation to be submitted.

## 2.4 Air Quality Assessment

The purpose of an air quality assessment is to determine whether the predicted impacts from a development on local air quality will impact on public health and/or the local environment. This section also assesses the significance of the impact of a development on local air quality.

*The assessment should be carried out by a developer's air quality consultant.*

Guidance on how to carry out an air quality assessment is given in Section 3, with supporting information provided in Appendix 3.

## 2.5 Planning Requirements and Outcomes

The planning requirements and outcomes section provides information on whether a development should be refused on air quality grounds or if granted planning permission, what measures are required from a developer to make the development acceptable on air quality grounds. Planning requirements in relation to the effect of a development on air quality are provided in Section 4.

Note: this section does not set out the specific mitigation requirements; these are provided in Section 5: Emissions mitigation assessment.

## 2.6 Emissions Mitigation Assessment

All major developments, will require an emissions mitigation assessment. The purpose of an emissions mitigation assessment is to determine the appropriate level of mitigation required from a development, by assessing the emission from that development.

*The assessment should be carried out by a developer's air quality consultant.*

Guidance on how to carry out an emission mitigation assessment is given in Section 5, with supporting information provided in the Appendices.

### 3 Air quality assessment

Before proceeding with the assessment, please contact the Air Quality Officer to confirm that an assessment is needed. After confirmation and completion of the assessment, proceed to section 5 to produce the emission mitigation assessment.

The purpose of an air quality assessment is to determine whether the predicted impact of a development on local air quality would adversely affect public health and/or the local environment, both to help determine a planning application and to determine the appropriate level of mitigation from a development. The assessment should be carried out by a developer's air quality consultant.

*Applicants should always seek the latest information available on local air quality from the Air Quality Officer.*

#### 3.1 Air quality assessment process

This section provides the technical elements and methodology for undertaking air quality assessments for developments. This includes:

- Guidance on air quality assessments
- Significance criteria for determining a developments' impact on air quality
- Recommendations for planning decisions.

#### 3.2 Air quality assessment

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission). The Council has used similar assessment methods to fulfil the requirements of their detailed Review and Assessment that led to the AQMA designations. For consistency, air quality assessments for developments should, where possible, follow similar methodologies.

- The Council will work with developers by providing guidance on the suitability of such measures which should be incorporated at the early design stage of any proposal.
- Guidance on the methodologies to be used for air quality assessments is also available in the Department for Environment, Food and Rural Affairs (DEFRA) Technical Guidance LAQM TG(09).

Note: Further detail of the air quality assessment requirements can be found in Appendix 3.

#### 3.3 Developments that require an Environmental Impact Assessment (EIA)

The EIA procedure ensures that the likely effects of a new development on the environment are fully understood. The EIA is likely to include a detailed study of the effects of any development upon local air quality as highlighted below.

- Developments that require an EIA include major developments which are of more than local importance; developments which are proposed for particularly environmentally sensitive or vulnerable locations and developments with unusually complex and potentially hazardous environmental effects.
- Most proposals for commercial or industrial installations that have the potential to emit pollution (e.g. Part A1, A2 and B installations) are likely to require an air quality assessment under the EIA regulations but more detailed "screening" may be required before this can be finally determined.



There are likely to be many other situations where developments that do not require a full EIA will nevertheless warrant an air quality assessment as part of the planning application.

- It is advised that developers, as good practice, should check with the LPA to determine whether an air quality assessment is required before submitting a planning application.

**Key point:**

Planning applications for major developments may require an EIA, which may need to include a more detailed assessment of the likely air quality effects. The Environmental Impact Assessment Directive provides the policy requirement for EIAs.

### 3.4 Determining the impact of a development on air quality

The key concern with regard to the air quality impacts of a development is the likely effect on human health. It is important that an air quality assessment evaluates modelled air quality in terms of changes in pollution concentrations where there is relevant public exposure.

- The Air Quality Regulations are concerned with areas that exceed air quality objectives and the revised Air Quality Strategy (2007) considers overall exposure reduction.
- This guidance considers that any development that leads to additional air pollution problems, even if it is outside an AQMA, could be significant.
- The local authority will have to make a balanced judgment on the likely impact of each development, based on the results of the air quality assessment and their professional experience. The local authority may also need to consider the impact of the development on air quality in neighbouring authorities.

### 3.5 Areas where air quality is a concern

There are key areas where the magnitude of change as well as the concentration of pollutants in air caused by proposed development is a concern.

In some cases, any additional contribution of emissions may worsen air quality and cause the creation of a new AQMA and, therefore, a small change in pollutant concentration can be as much a cause for concern as a large one. The areas of concern to consider are:

- AQMAs
- Areas near to or adjacent to AQMAs and candidate AQMAs
- Developments that require an EIA

The process for determining the impacts of a development on air quality is detailed below.

### 3.6 Assessment of the air quality impacts of a development.

1. The air quality assessment provides modelled predicted concentrations for scenarios (for the year of application and an agreed year of opening): without development (baseline), with development, with development including mitigation measures.
2. A comparison of the scenarios will be presented in the report. Compare scenario “without development (baseline)” with scenario “with development including mitigation measures”.
3. The difference in the compared scenarios is used to determine the classification of the change in air quality concentration.
4. The scale of air quality impact due to changes of concentration or if the additional concentration causes local exposure to approach or breach air quality objectives, determines the planning recommendations.
5. Planning recommendations are then provided.

### 3.7 Scaling of impacts on air quality from a development

An air quality assessment of a development should include modelling results as part of an air quality assessment for a proposal. These shall include modelled output scenarios “with” and “with-out” mitigation proposals as part of the application, to demonstrate predicted health exposure.

- Once the modelled outputs are agreed by the Air Quality Officer, then the scale or “magnitude” of change in pollutant concentration can be used to determine the significance of the air quality impact from a development.
- The increase in pollutant concentration is compared to National Air Quality Objective (AQO) levels and pollutant increases are expressed as percentages according to Table 1.
- The level of the change or magnitude provides the scale for recommendations for a planning decision (see Table 2, below).

The following table sets the classification of impact to determine their significance.

Table 1 Classification of impacts due to changes in pollutant concentration.

Classification of impact	Concentration change due to development:	Or if development contribution causes:
Very High	Increase > 10%	Worsening of air quality within an existing AQMA Creation of a new AQMA Introduction of new receptors within an existing AQMA
High	Increase > 5 – 10%	Levels to be within 5% AQO
Medium	Increase >1 <5 %	Levels to be within 10% AQO
Low/Imperceptible	Increase < 1%	-

*Note: Concentrations are relative to national air quality objective levels (AQO).*

## 4 Planning requirements

If the air quality assessment determines specific changes in air quality due to a single development or from the cumulative effect of several developments; the following determinations will be made by the LPA (see Table 2).

- An overriding consideration will be to ensure that the air quality in existing AQMAs does not worsen by the introduction of a development and/or that there is no additional air pollution burden from a development(s) which could create new AQMAs.
- Each decision must be a balance of all material considerations depending upon the individual merits and circumstances. The weight to be given to the impact on air quality in the consideration of a planning application and the acceptability of proposed mitigation measures lies with the relevant local planning authority. Any agreed measures will be taken forward by condition where possible, or through the use of Section 106 agreements.
- Refusal of a planning application may still result if air quality impacts from a development remain, even after all reasonable means to mitigate the impacts on air quality have been exhausted.

Table 2 Planning requirements and outcomes.

Magnitude of change in air quality	Likely requirements	Likely outcomes
Very High	Require evidence to show that mitigation will cancel out air quality impacts. If impact of development on air quality still very high = strong presumption for recommendation for refusal on air quality grounds.	Recommend refusal
High	Seek mitigation to significantly reduce air quality impacts. Mitigation to include reducing exposure through various measures, emissions reduction technologies and/or development redesign.	Recommend refusal unless significant mitigation measures are implemented.
Medium	Seek mitigation to reduce air quality impacts. Mitigation to include reducing exposure through various measures, emissions reduction technologies and/or development redesign.	Ensure mitigation is implemented.
Low/Imperceptible	Recommend the minimum mitigation for development scheme type.	Ensure minimum mitigation is implemented.

## 5 Emissions mitigation assessment

### 5.1 Standard mitigation for all major developments and all developments within or close to an AQMA

#### Residential:

All gas-fired boilers to meet a minimum standard of <40mgNO<sub>x</sub>/kWh

1 Electric Vehicle charging point\* per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)

#### Commercial/Retail/Industrial:

10% of parking spaces to be provided with Electric Vehicle charge points\* which may be phased with 5% initial provision and the remainder at an agreed trigger level

#### Demolition/Construction:

Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction

Notes:

\* this shall be the best technology available at the time of planning approval

### 5.2 Emissions mitigation assessment

The purpose of an emissions mitigation assessment is to assess the local emissions from a development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. In addition the developer will be required to minimise dust emissions during the construction phase in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.

Where mitigation is not integrated into a scheme, the LPA will require this through a planning condition(s). If on-site mitigation is not possible then the LPA may seek contribution to wider air quality mitigation measures through a section 106 agreement.

Each emissions mitigation assessment should include a brief emissions mitigation statement.

#### Emissions mitigation statement

The statement must include:

- Development traffic input data for emissions mitigation calculation
- Emissions calculation and totals
- Mitigation proposed to be equivalent to the value of emissions calculation (appropriate to the type and size of development and local policy requirements)
- Statement of provision required to minimise dust emissions in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.

### 5.3 Mitigation for minor developments:

If the development is within or close to an AQMA and is considered minor development then it will be at the discretion of the Air Quality Officer to suggest reasonable mitigation options for these types of development.

#### 5.4 Mitigation for all other developments:

The emissions mitigation calculator provides a formula to calculate the emissions resulting from a development and produces an exposure cost value to be spent on mitigation measures.

The assessment should be carried out by a developer's air quality consultant. Please contact the Air Quality Officer for assistance.

#### 5.5 Emissions mitigation calculation

An emissions mitigation calculation inputs the additional number of trips generated by the development into the latest DEFRA Emissions Factor Toolkit (EFT)<sup>1</sup> which calculates the amount of transport related pollutant emissions a development is likely to produce. If the proposal is to include alternative fuels or technology i.e. LPG, EV etc, then there are "advanced options" within the EFT to accommodate this. The output is given in kg of specified pollutant per year and requires converting to tonnes per year. The output is then multiplied by the Interdepartmental Group on Costs and Benefits (IGCB) damage costs<sup>2</sup> for the key pollutants nitrogen oxides (NOx) and particulates (PM10). Finally the emissions total is then multiplied by 5 to provide a 5 year exposure cost value which is the amount (value) of mitigation that is expected to be spent on measures to mitigate those impacts. This value is used for costing the required emissions mitigation for the development.

The emissions mitigation is summarised below: -

##### **Emissions Mitigation Calculation**

EFT output x Damage costs x 5 years = 5 year exposure cost value

<sup>1</sup> <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>

<sup>2</sup> <http://www.gov.uk/guidance/air-quality-economic-analysis>



## 5.6 Example emissions mitigation calculation

The following example demonstrates the calculation based on a development with 10 domestic properties within an AQMA using version 6.0.2 of the EFT.

### **EFT input factors:**

10 Household (urban not London) (2015) (NOx and PM10)

27 (trip/traffic ratio for 10 houses)

cars only (0% HGV)

50 kph (average speed)

10km (NTS UK average.)

**EFT output** = 34.74 kg/annum (NOx) and 3.39 kg/annum (PM10)

= 0.03474 tonnes/annum (NOx) and 0.00339 tonnes/annum (PM10)

x Damage cost £21,044/tonne (NOx) and £58,125/tonne (PM10)

=£731.07 + £197.04

x 5 (years)

= £3655.34 +£985.21

Total = £4,640

### Notes:

- Trip rates can be sourced from transport assessment or local authority/transport authority.
- Trip length uses the 2014 National Travel Survey (NTS)<sup>3</sup> UK average = 7.3miles/10km
- The IGCB damage costs used are the IGCB Air Quality Damage Costs per tonne, 2015 prices (Central estimate: NOx = £21,044/tonne and PM10 £58,125/tonne Transport Average).

<sup>3</sup> <https://www.gov.uk/government/collections/national-travel-survey-statistics>

## 5.7 Requirements for mitigation measures

The mitigation options selected for a development should be relevant and appropriate to:

- Any local policies including Air Quality Action Plans, which may determine the mitigation priorities that the local authority may wish to be incorporated within a particular scheme.
- Any local air quality concerns; to assist in the mitigation of potential cumulative air pollution impacts of the development on the local community.
- The type, size and activity of the development.

Scheme mitigation should be provided within the design of the development where possible. Table 3 lists the mitigation measures to be considered.

**Table 3 Mitigation measures**

Standard mitigation plus: -
<b>Residential</b> <ul style="list-style-type: none"><li>• Travel plan (where required) including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies</li><li>• A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers</li><li>• Eco-driver training and provision of eco-driver aid to all residents</li><li>• EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points)</li><li>• Car club provision within development or support given to local car club/eV car clubs</li><li>• Designation of parking spaces for low emission vehicles</li><li>• Improved cycle paths to link cycle network</li><li>• Adequate provision of secure cycle storage</li><li>• Using green infrastructure, in particular trees* to absorb dust and other pollutants</li></ul>
<b>Commercial/Industrial</b> <ul style="list-style-type: none"><li>• As above plus: -</li><li>• Differential parking charges depending on vehicle emissions</li><li>• Public transport subsidy for employees</li><li>• All commercial vehicles should comply with either current or previous European Emission Standard</li><li>• Fleet operations should provide a strategy for considering reduced emissions, low emission fuels and technologies</li><li>• Use of ultra low emission service vehicles</li><li>• Support local walking and cycling initiatives</li><li>• On-street EV recharging</li><li>• Contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development</li></ul>
<b>Additional mitigation</b> <ul style="list-style-type: none"><li>• Contribution to low emission vehicle refuelling infrastructure</li><li>• Low emission bus service provision or waste collection services</li><li>• Bike/e-bike hire schemes</li><li>• Contribution to renewable fuel and energy generation projects</li><li>• Incentives for the take-up of low emission technologies and fuels</li></ul>
*For guidance on selecting the best air quality species please refer to the Urban Air Quality 2012 Woodland Trust document

The above lists are not exhaustive and further options may be suggested where the Council feels it is appropriate, depending on the scale of development and air quality issues within an area. The developer may also suggest alternative mitigation options not listed above provided that they clearly show the air quality benefits.

## References

The Air Quality Standards Regulations 2010

<http://www.legislation.gov.uk/ukxi/2010/1001/contents/made>

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf)

Guidance on the assessment of dust from demolition and construction – IAQM (2014)

<http://www.iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

DEFRA Emissions Factor Toolkit

<http://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>

DEFRA Impact pathway guidance for valuing changes in air quality (2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197900/pb13913-impact-pathway-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197900/pb13913-impact-pathway-guidance.pdf)

DEFRA Interdepartmental Group on Costs and Benefits

<https://www.gov.uk/air-quality-economic-analysis>

DEFRA Technical Guidance Note LAQM TG (09)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69334/pb13081-tech-guidance-laqm-tg-09-090218.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69334/pb13081-tech-guidance-laqm-tg-09-090218.pdf)

Environmental Impact Assessment Directive

<http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

European Union Limit Values

<http://ec.europa.eu/environment/air/quality/standards.htm>

Electric Vehicle (EV) Network

<http://www.ev-network.org.uk/>

HM Treasury, Valuing impacts on air quality – Supplementary Green Book Guidance (2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf)

National Planning Policy Framework (NPPF) March 2012

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Town and Country Planning (Development Management Procedure) (England) Order 2010

[http://www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi\\_20102184\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi_20102184_en.pdf)

## Appendix 1 – Maps of AQMAs

## Appendix 2 - Criteria for Development Classification

The major sized category is determined using criteria from the Department for Transport indicative thresholds for transport assessments<sup>4</sup>.

Table 1: Criteria for Development Classification

Land Use	Description	Further Assessment Required
Food Retail (A1)	Retail sale of food goods to the public - supermarkets, superstore, convenience food store	>800m2
Non-Food Retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars or other cold food purchased and consumed off site	>1500m2
Financial and professional services (A2)	Banks, building societies and bureaux de change, professional services, estate agents, employment agencies, betting shops	>2500m2
Restaurants and Cafes (A3)	Use for the sale of food consumption on the premises	>2500m2
Drinking Establishments (A4)	Use as a public house, wine-bar for consumption on or off the premises	>600m2
Hot Food Takeaway (A5)	Use for the sale of hot food for consumption on or off the premises	>500m2
Business (B1)	(a) Offices other than in use within Class A2 (financial & professional) (b) Research & Development - laboratories, studios (c) Light industry	>2500m2
General Industrial (B2)	General industry (other than B1)	>4000m2
Storage and Distribution (B8)	Storage and distribution centres - wholesale warehouses, distribution centres and repositories	>5000m2
Hotels (C1)	Hotels, boarding houses and guest houses	>100 bedrooms
Residential Institutions (C2)	Hospitals, nursing homes used for residential accommodation and care	>50 beds
Residential Institutions (C2)	Boarding schools and training centres	>150 students
Residential Institutions (C2)	Institutional hostels, homeless centres	>400 residents
Dwelling houses (C3)	Dwellings for individuals, families or not more than six people in a single household	>50 units
Non-Residential Institutions (D1)	Medical & health services, museums, public libraries, art galleries, non-residential education, places of worship and church halls	>1000m2
Assembly and Leisure (D2)	Cinemas, dance and concert halls, sports halls, swimming, skating, gym, bingo, and other facilities not involving motorised vehicles or firearms.	>1500m2

<sup>4</sup> <http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/adobepdf/165237/202657/guidanceontaappendixb>

Other
1. Any development generating 30 or more two-way vehicle movements in any hour
2. Any development generating 100 or more two-way vehicle movements per day
3. Any development proposing 100 or more parking spaces
4. Any relevant development proposed in a location where the local transport infrastructure is inadequate
5. Any relevant development proposed in a location adjacent to an Air Quality Management Area (AQMA)



### **Appendix 3 - Air Quality Assessment Protocol to Determine the Impact of Vehicle Emissions from Development Proposals**

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission).

#### Key Components of an Air Quality Assessment

The assessment will require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data. The modelling should be undertaken using recognised, verified local scale models by technically competent personnel and in accordance with LAQM TG.09. The study will comprise of:

1. The assessment of the existing air quality in the study area for the baseline year with agreed receptor points and validation of any dispersion model;
2. The prediction of future air quality without the development in place (future baseline or do nothing);
3. The prediction of future road transport emissions and air quality with the development in place (with development or do-something).
4. The prediction of future road transport emissions and air quality with the development (with development or do-something) and with identified mitigation measures in place.

The assessment report should include the following details:

A. A detailed description of the proposed development, including:

- Identify any on-site sources of pollutants;
- Overview of the expected traffic changes;
- The sensitivity of the area in terms of objective concentrations;
- Local receptors likely to be exposed;
- Pollutants to be considered and those scoped out of the process.

B. The relevant planning and other policy context for the assessment.

C. Description of the relevant air quality standards and objectives.

D. The assessment method details including model, input data and assumptions:

For traffic assessment;

- Traffic data used for the assessment;
- Emission data source;
- Meteorological data source and representation of area;
- Baseline pollutant concentration including any monitoring undertaken;
- Background pollutant concentration;
- Choice of base year;
- Basis for NO<sub>x</sub>:NO<sub>2</sub> calculations;
- A modelling sensitivity test for future emissions with and without reductions;

For point source assessments:

- Type of plant;
- Source of emission data and emission assumptions;
- Stack parameters – height, diameter, emission velocity and exit temperature;
- Meteorological data source and representation of area;
- Baseline pollutant concentrations;

- Background pollutant concentrations;
- Choice of baseline year;
- Basis for deriving NO<sub>2</sub> from NO<sub>x</sub>.

E. Model verification for all traffic modelling following DEFRA guidance LAQM.TG (09):

F. Identification of sensitive locations:

G. Description of baseline conditions:

H. Description of demolition/construction phase impacts:

I. Summary of the assessment results:

- Impacts during the demolition/construction phase;
- Impacts during the operation phase;
- The estimated emissions change of local air pollutants;
- Identified breach or worsening of exceedences of objectives (geographical extent)
- Whether Air Quality Action Plan is compromised;
- Apparent conflicts with planning policy and how they will be mitigated.

J. Mitigation measures.

#### Air Quality Monitoring

In some case it will be appropriate to carry out a short period of air quality monitoring as part of the assessment work. This will help where new exposure is proposed in a location with complex road layout and/or topography, which will be difficult to model or where no data is available to verify the model. Monitoring should be undertaken for a minimum of six months using agreed techniques and locations with any adjustments made following Defra Technical Guidance LAQM.TG (09).

#### Assessing Demolition/Construction Impacts

The demolition and construction phases of development proposals can lead to both nuisance dust and elevated fine particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations. Modelling is not appropriate for this type of assessment, as emission rates vary depending on a combination of the construction activity and meteorological conditions, which cannot be reliably predicted. The assessment should focus on the distance and duration over which there is a risk that impacts may occur. The Institute of Air Quality Management (IAQM)<sup>5</sup> has produced a number of definitive guidance documents to which this guidance refers. The document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance' should be the reference for reporting the construction assessment.

#### Cumulative Impacts

The NPPF (paragraph 124) recognises that a number of individual development proposals within close proximity of each other require planning policies and decisions to consider the cumulative impact of them. Difficulties arise when developments are permitted sequentially, with each individually having only a relatively low polluting potential, but which cumulatively result in a significant worsening of air quality. This will occur where:

- A single large site is divided up into a series of units, such as an industrial estate or retail park;
- A major development is broken down into a series of smaller planning applications for administrative ease; and
- There are cumulative air quality impacts from a series of unrelated developments in the same area.

<sup>5</sup> IAQM [www.iaqm.co.uk](http://www.iaqm.co.uk)

In the first two cases, the cumulative impact will be addressed by the likelihood that a single developer will bring forward an outline application for the whole site which should include an air quality assessment as part of an Environmental Impact Assessment. For major developments that are broken down into a series of smaller planning applications, the use of a 'Master or Parameter Plan' that includes an air quality assessment will address the cumulative impact.

## Appendix 4 - Electric Vehicle Charging Point Specification:

This shall be the best technology available at the time of planning approval.

### EV ready domestic installations

- Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).
- A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point for future connection to an external charge point
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require an additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

### EV ready commercial installations

Commercial and industrial installations may have private 11,000/400 V substations where a TN-S supply may be available, simplifying the vehicle charging installation design and risk analysis. It is, therefore, essential for developers to determine a building's earthing arrangements before installation. Commercial vehicles have a range of charge rates and it is appropriate to consider a 3-phase and neutral supply on a dedicated circuit emanating from a distribution board. More than one EV charging station can be derived from a source circuit, but each outlet should be rated for a continuous demand of 63Amps. No diversity should be applied throughout the EV circuitry. 3 phase RCBOs should be installed and the supply terminated in a switched lockable enclosure. If an external application (for example car park or goods yard) is selected, the supply should be terminated in a feeder pillar equipped with a multi-pole isolation switch, typically a 300mA RCD, a sub-distribution board (if more than one outlet is fed from the pillar). If an additional earthing solution is required, the earth stake can be terminated within this pillar. See IET guideline risk assessment<sup>6</sup>.

<sup>6</sup> [www.theiet.org/resources/standards/ev-charging-cop.cfm](http://www.theiet.org/resources/standards/ev-charging-cop.cfm)

# Agenda Item 19

## Strategic Planning, Sustainability and Transportation Committee

**11 April 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Headcorn Neighbourhood Plan – Examiner's Report

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Cheryl Parks, Project Manager, Local Plan
<b>Classification</b>	Public
<b>Wards affected</b>	Headcorn, Staplehurst, Sutton Valence & Langley, Leeds, Harrietsham & Lenham

#### **This report makes the following recommendations to this Committee:**

1. That the Committee notes the findings of the Examiner of the Headcorn Neighbourhood Plan
2. That the Committee agrees not to move the Plan to referendum

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Made Neighbourhood Plans form part of the Development Plan for Maidstone, and will be used in the determining of planning applications in the Neighbourhood Plan area.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	11 <sup>th</sup> April 2017

# Headcorn Neighbourhood Plan – Examiner’s Report

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the findings of the independent examination of the Headcorn Neighbourhood Development Plan (NDP).
- 1.2 Following the agreement of this Committee on 18 April 2016 to a revised protocol for Neighbourhood Planning processes, the decision on whether to move a NDP to referendum rests with this Committee. The report makes a recommendation to the Committee in this regard.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Headcorn Parish Council has been working on its NDP for some time. An application for formal designation of a Neighbourhood Area (Regulation 5<sup>1</sup>) was made on 3 December 2012, and was subsequently agreed, following consultation, on 8 April 2013.
- 2.2 The Parish Council worked through the preparatory stages of plan making, including consultation at the pre-submission stage, before formally submitting their plan to the Council in mid-November 2015. Officers engaged with the Steering Group and Parish Council on a number of occasions to provide advice and expressed concerns regarding the draft NDP and the risks in regard to the proposals. These concerns were later reflected in MBC’s response to the consultation (see para 2.4 below)
- 2.3 In accordance with the Regulations and the agreed Maidstone Borough Council (MBC) protocol, officers facilitated a full 6-week public consultation on the NDP between 15 January and 26 February 2016. Over 170 comments were made by 151 individual representors, including the response of MBC as agreed by this Committee on 9 February 2016, making it the largest response to a Neighbourhood Plan consultation seen in Maidstone to date.
- 2.4 The agreed MBC consultation response set out a number of instances of failure to conform with the strategic policies of the adopted Local Plan and Development Plan Documents (DPD’s) as well as citing a clear lack of conformity with national policy requirements. These concerns had been previously shared with the Parish Council in meetings to discuss the emerging plan, prior to its submission to the Council.
- 2.5 As set out in the agreed protocol, the process of appointing the Examiner for a NDP commences at the point the plan is formally submitted to the Council. While the consultation was on-going, officers agreed the appointment of an examiner through the NPIERS service following discussion with representatives from the Parish Council. The Examiner was

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<sup>1</sup> The Neighbourhood Planning (General) Regulations 2012



selected given her local knowledge obtained through work with North Loose Residents Association, Design South East and others.

- 2.6 As this Committee will be aware, the appointed Examiner lost her accreditation during the examination process, and this issue was the subject of a previous Committee Report<sup>2</sup>. A subsequent attempt was made to appoint through NPIERS, but it was agreed by both MBC officers and Councillors that the proposed candidate (who was the preferred choice of the Parish Council) would have a conflict of interest. A further selection of candidate examiners was subsequently requested from NPIERS.
- 2.7 A new Examiner, Mr Jeremy Edge, was agreed by both MBC and the Parish Council, and was appointed. Officers provided him with the same suite of documents that had been provided previously to the initial Examiner. He commenced his examination of the NDP.
- 2.8 Following extensive consideration of the NDP, and the comments of representors, Mr Edge felt that it would be necessary to convene an examination hearing, to enable debate and discussion on a number of points, and to allow him to 'bottom out' a number of issues about which he had concerns and where there was a difference of opinion among representors. This Committee was updated in regard to the hearing at its meeting on 8 November 2016.
- 2.9 Unfortunately the delivery of Mr Edge's report was delayed, despite the best efforts of officers, who remained in contact with Mr Edge, to ensure his report was delivered as soon as possible in the New Year.
- 2.10 On 16 February 2017 a Fact Check version of the Examiner's Report was received, and was shared with the Parish Council to afford them an opportunity to seek any factual corrections. A number of minor corrections were submitted by MBC officers along with the responses of the Parish Council, and the subsequent Final Examiner's Report was received on 19 March 2017 and is included at Appendix 1.
- 2.11 The tests for a NDP are set out in legislation<sup>3</sup>. In order for a plan to meet the Basic Conditions it must:
- have appropriate regard to national policy;
  - contribute towards the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the local area;
  - be compatible with human rights requirements; and
  - be compatible with EU obligations.
- 2.12 During the examination hearing the Parish Council agreed that a number of the policies within the NDP would need to be revised to ensure conformity

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<sup>2</sup> SPS&T Committee, Tuesday 14 June 2016

<sup>3</sup> Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)]

with both national and local policy positions. Mr Edge did not give any warranty that the 'negotiated' changes would be sufficient to overcome his concerns about the drafted NDP and whether it would meet Basic Conditions.

- 2.13 In his report Mr Edge set out a number of failings of the submitted NDP. He noted that the approach to growth between the two parties (MBC and HPC) was not aligned, and that Headcorn Parish Council favoured a more 'organic' approach centred on their argument that Headcorn as a settlement is relatively inaccessible. Mr Edge pointed out that this position is at odds with the Rural Service Centre designation of Headcorn in the emerging Local Plan, and also the consideration of Headcorn in the adopted Local Plan as a sustainable settlement suitable for growth.
- 2.14 Mr Edge also challenged the methodology used by Headcorn to assess future housing needs given that it had not followed the same method as the borough-wide Strategic Housing Market Assessment. The Parish Council's interpretation of the Borough Council's evidence (prepared to support the new Local Plan) was adjudged to be skewed. Although elements were used as a starting point for policy development, the Parish Council had undertaken its own local analysis and used local aspirations to justify specific policy restrictions.
- 2.15 The NDP proposed a cap on the number of dwellings to be built, but Mr Edge concluded that the cap seemed arbitrary, and would be contrary to paragraph 47 of the NPPF. The proposed annual restrictions on numbers of dwellings were also deemed to be unduly restrictive and not in keeping with national policy and the Government's desire to boost housing supply.
- 2.16 On the matter of affordable housing, the NDP proposed a limit of 20% on development of more than 9 dwellings. Such a policy position would be in direct conflict with the borough-wide adopted position of 40%<sup>4</sup> and with emerging policy in the new Local Plan. There would also be an issue in regard to the threshold of 9 dwellings given the Written Ministerial Statement of 28 November 2014 (upheld by the Court of Appeal 13 May 2016) and Planning Practice Guidance updates of 16 November 2016 requiring provision on sites of 'more than ten' dwellings.
- 2.17 Citing the history of sewer flooding and waste water management issues in Headcorn, a restriction on development was proposed in the NDP until this matter had been addressed. Southern Water had objected on these grounds at Regulation 16 consultation, and made further comment at the examination hearing. In his report Mr Edge considered that such a condition would be disproportionate, and stressed it would not be appropriate to expect new development to resolve existing issues.
- 2.18 Dealing with employment matters, the NDP proposed restrictions on the unit sizes that may come forward at Barradale Farm, a site allocated in the emerging Local Plan. Mr Edge again concluded that such a restriction was not justified.

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<sup>4</sup> MBC Affordable Housing DPD (2006)

- 2.19 A final concern of Mr Edge was the apparent lack of any assessment of compliance with the European Convention on Human Rights, or the Human Rights Act 1998 in either the NDP or in any of the supporting documentation including the Basic Conditions Statement.
- 2.20 In drawing together his conclusions, Mr Edge noted that the NDP as drafted contained a number of failings. He was however keen to recognise the level of participation and local interest in the preparation of the NDP, and the depth of the consultation undertaken by the Parish Council. He also thanked the participants of the hearing for their positive engagement and flexibility during what was a very long and detailed hearing session.
- 2.21 Overall, the conclusion reached by Mr Edge was that he was not satisfied that the NDP met the Basic Conditions tests as required by the Regulations in relation to:
- having appropriate regard for national policy;
  - adequately contributing towards the achievement of sustainable development; and
  - being in general conformity with the strategic policies of the development plan for the local area.
- 2.22 Mr Edge also concluded that he was not satisfied that appropriate regard had been demonstrated to confirm that the draft Plan is compatible with the Human Rights Act 1998.
- 2.23 As a result of his conclusions Mr Edge has recommended, in accordance with legislation<sup>5</sup> that the NDP should not proceed to a local referendum. This will mean that the Council is unable to recoup any of the costs associated with the examination since the only opportunity to do so under the Government funding system occurs once a date has been set for a referendum.
- 2.24 When advised that this report was to be presented at this meeting, email correspondence was received from the Headcorn Parish Clerk requesting a meeting with officers prior to the consideration of the Committee, or should this not be possible, that this report be delayed. It is the view of officers that there is nothing to gain by delaying the report given the conclusions of the Examiner and the legal advice received. A meeting has been offered by officers to discuss the redrafting of a NDP for Headcorn.

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### **3. AVAILABLE OPTIONS**

- 3.1 Advice from Mid Kent Legal Services (MKLS) was sought on the content and conclusions of the Examiner's report. MKLS officers agree that since the Examiner has found the Neighbourhood Plan not to meet the Basic Conditions as required by the Regulations it should not be taken forward to a referendum.

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<sup>5</sup> Schedule 4B to the Town and Country Planning Act 1990, paragraph 10

- 3.2 Accordingly, there is only one realistic option available to this Committee. This is to note the findings of the appointed Examiner in regard to the Headcorn NDP, and follow his recommendation that the NDP does not proceed to a local referendum.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The recommendation of officers is to proceed with the option set out at paragraph 3.2 above. Choosing alternate action would risk financial implications related to legal challenges resulting from disregarding the detailed recommendations of the appointed Examiner.
- 4.2 For these reasons the recommendations set out at the start of this report are made.
- 

#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The NDP has been subject to two formal stages of consultation as well as a number of informal stages during its preparation. The examination also took the unusual step of convening a hearing to allow for further exploration of key issues among representors.
- 5.2 This Committee has been kept regularly apprised of the progress of the NDP including agreeing the formal consultation response, being updated on issues with the examination, and being provided details of the hearing.
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#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If the Committee agrees the recommendations set out in this report no further action is needed, other than to advise the Parish Council of the decision. The Parish Council has the option to redraft the NDP and to re-consult at the Regulation 14 stage<sup>6</sup> and onward through the plan making process.
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#### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The NDP was not written in such a way as to be in general conformity with strategic policies of the adopted Local	Rob Jarman, Head of Planning & Development

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<sup>6</sup> The Neighbourhood Planning (General) Regulations 2012

	Plan, or with the NPPF. In this regard it did not align with the objectives of the Council's Strategic Plan or the Corporate Priorities.	
<b>Risk Management</b>	<p>There are risks in not following the recommendations of the Examiner. The reputation of the Council could suffer if it chose to go ahead with a referendum, and the Council's decision would be open to legal challenge from representors.</p> <p>A legal challenge to any decision of this Committee could be mounted by the Parish Council but this risk is minimised by obtaining Legal advice.</p>	Rob Jarman, Head of Planning & Development
<b>Financial</b>	<p>The costs for a Neighbourhood Plan are not insignificant. All costs for the formal consultation, examination and any referendum fall to the Local Planning Authority. Ordinarily funds can subsequently be recouped through grant applications once a referendum is set, but if no referendum will be arranged as a result of the Examiner's findings, all associated costs will have to be met by the Council. The Examiner's costs for the Headcorn Neighbourhood Plan amount to £10,605. There is sufficient funding to cover the costs of the Headcorn Examination, but this level of expenditure seriously impacts the budget for Neighbourhood Planning and less funding is available to facilitate future plans. Care will be needed to ensure this situation is monitored going forward.</p>	Mark Green, Section 151 Officer & Finance Team
<b>Staffing</b>	<p>Resourcing Neighbourhood Planning sits in the Spatial Policy team. There are no issues in regard to staffing arising from the Examination or</p>	Rob Jarman, Head of Planning & Development

	this report.	
<b>Legal</b>	All stages of the plan making process, including the examination have been in accordance with regulatory requirements. Legal advice regarding the recommendations of the Examiner's report was obtained.	Russell Fitzpatrick, MKLS Planning Team
<b>Equality Impact Needs Assessment</b>	The lack of an Equalities Impact Assessment to support the NDP was highlighted by the Examiner. The consultation undertaken by MBC after submission of the NDP was fully inclusive and sought the views of the wider local community.	Anna Collier, Policy & Information Manager
<b>Environmental/Sustainable Development</b>	Arguments over what constitutes sustainability predicated the formulation of the NDP and its policies, and underpinned the Examiner's consideration of key issues.  The submitted NDP was screened to assess the need for a Strategic Environmental Assessment. It was concluded that it was not a requirement, and this was agreed by the statutory consultees (Historic England; Natural England; Environment Agency.)	Rob Jarman, Head of Planning & Development
<b>Community Safety</b>	There are no implications arising from this report.	Rob Jarman, Head of Planning & Development
<b>Human Rights Act</b>	A fundamental concern of the Examiner was the lack of assessment by the Parish Council of the impacts of the Plan and whether it could demonstrate it was not in breach of either the Act or the European Convention on Human Rights. The issue is briefly explored in the report, and the Examiner's concerns are set out in his report (at Appendix 1). If the Committee were to proceed against the	Rob Jarman, Head of Planning & Development



	recommendation of the Examiner there could be implications in regard to the provisions of the Act.	
<b>Procurement</b>	The Examiner was procured under an agreed procurement waiver. There are no implications for procurement in regard to the Examiner's report.	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
<b>Asset Management</b>	There are no implications arising from this report.	Rob Jarman, Head of Planning & Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Appendix 1: Headcorn Neighbourhood Plan 2011 – 2031. A Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan.

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## 9. BACKGROUND PAPERS

There are none.

## **Headcorn Neighbourhood Plan 2011 – 2031**

A Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

**Jeremy Edge BSc (Hons) FRICS MRTPI  
Edge Planning & Development LLP**

**19<sup>th</sup> March 2017**

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## **Appendices**

Appendix 1: Background Documents

Appendix 2: Agenda for Headcorn Neighbourhood Plan  
Examination Hearing on 18th October 2016

## 1.0 Introduction and Role of the Independent Examiner

1.1 Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Headcorn Neighbourhood Plan 2011 – 2031, 2015 – Regulation 16 Consultation version, provided to me by Maidstone Borough Council. This is the version that appears on the Council's web-site for Regulation 16 Consultation and is consistent with the Consultation Statement prepared by Headcorn Parish Council dated November 2015.

1.1 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan or to examine other material considerations.

1.2 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following "basic conditions";

- it must have appropriate regard for national policy;
- it must contribute towards the achievement of sustainable development;
- it must be in general conformity with the strategic policies of the development plan for the local area;
- it must be compatible with human rights requirements and
- it must be compatible with EU obligations.

1.2 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:

- (a) that the draft order is submitted to a referendum, or
- (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
- (c) that the proposal for the order is refused.

1.3 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Headcorn Neighbourhood Plan Area, to which the Plan relates.

- 1.4 I make my recommendation at the end of this Report.
- 1.5 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.
- 1.6 The introduction to the draft Headcorn Neighbourhood Plan (NDP) explains that the settlement has many advantages, although located within a rural area, in geographic terms Headcorn is relatively far from all major population and employment centres and consequently Headcorn is not well placed to support growth and innovation in key centres with populations of more than 10,000. The premise upon which the Plan is founded is to maximise local opportunities and supporting the needs of local people and businesses.
- 1.7 The apparent relative poor accessibility of Headcorn as a settlement as outlined in the introduction of the Plan, makes only passing reference to a direct rail link to London. As I understand matters, the railway provides a twice an hour service to Ashford (15 minutes) from which connections to London St Pancras are available taking 36 minutes, alternatively a direct rail service to London Cannon Street takes about 1 hour 10 minutes, with access to other employment centres *en-route*. The rail station at Headcorn also appears to provide transport for school children in addition to adults for journeys to work. It is apparent that Headcorn offers acceptable road access to other employment centres, notably Maidstone and as a consequence I find it unsurprising that Headcorn is designated as a Rural Service Centre within Maidstone Borough Council's settlement hierarchy, a status which Headcorn has held since 2006, and under which Headcorn continues to be viewed by the Borough Council as a village that is capable of accommodating minor development within the envelope of development on the policies map in saved Policy H27 of the Local Plan 2000 .
- 1.8 The HNP Consultation Statement sets out the chronology of events that took place since the decision of the Parish Council to embark on the preparation of a neighbourhood plan for Headcorn in October 2012. I understand that the neighbourhood area submitted by Headcorn Parish Council to Maidstone Borough Council on 3rd December 2012 was approved on 8th April 2013.
- 1.9 The Consultation Statement and HNP explain that surveys to inform the preparation of the Plan and draft policies were undertaken during summer 2013. The Parish Council agreed that the NDP authors would be Dr Rebecca Driver and Mr Michael Jeffries, in October 2013. The Consultation Statement further explains that the survey results were explained to the

residents, local businesses and Maidstone Borough Council (MBC) in November and December 2013. The Consultation Statement explains the extent of public engagement in preparing the draft Plan, including summarising the infrastructure concerns considered with consultees during the preparation of the Plan. I am in no doubt that the consultation process undertaken by the Parish Council has been thorough and is entirely satisfactory.

1.10 I attach in Appendix 1 a schedule of documents to which I have referred in undertaking this examination.

1.11 In order that I could be better informed about several issues pertinent to the neighbourhood plan, I requested that a hearing should take to explore these matters. This was convened on 18th October 2016 in Headcorn Village Hall and was attended by representatives of the Parish Council, Officers from Maidstone Borough Council, Kent County Council, various Regulation 16 consultees and members of the public. In advance of the hearing, MBC Officer Mrs Parks arranged for the agenda to be circulated to the parties attending the hearing. A copy of the Agenda is attached at Appendix 2. The issues considered at the hearing largely reflected my concerns as to whether the draft HNP met the Basic Conditions test and if not, whether the draft policies within the Plan might be appropriately modified.

## 2.0 **Basic Conditions**

2.1 I now consider the extent to which the Plan meets the “basic conditions”. A Basic Conditions Statement was prepared in November 2015 by the Parish Council. It briefly explains the requirements of the HNP to meet the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its conformity with the strategic policies for the development of the area.

2.2 The Basic Conditions Statement confirms that the plan meets other legal requirements, as follows:

- the draft plan is being submitted by a qualifying body (as defined by the Act)
- what is being proposed is a neighbourhood plan (as defined in the Act)
- the proposed HNP states the period for which it is to have effect
- confirmation that the policies do not relate to ‘excluded development’
- confirmation that the proposed neighbourhood plan does not relate to more than one neighbourhood area
- confirmation that there are no other neighbourhood plans place within the neighbourhood area.



- 2.3 The Basic Conditions Statement explains how the HNP is compatible with EU obligations and does not breach those obligations, although I have reservations about the extent to which this is the case in relation to human rights, as explained later in this report. This Statement has been supplied to me by Maidstone Borough Council together with other examination documents comprising the Plan, the Consultation Statement and a Strategic Environmental Assessment and Habitat Regulation Screening Report, the conclusion of the latter being that the Regulation 16 Neighbourhood Plan is that if made, the Plan is not likely to have a significant effect on the environment. The SEA and Habitat Regulation Screening Report further concluded that the HNP is unlikely to cause a significant effect on a European site and will not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive, (Art 3.2 (b)).
- 2.4 The Basic Conditions Statement seeks to demonstrate how the Headcorn Neighbourhood Plan conforms with the provision made under sections 61E of the Town & Country Planning Act 1990, as amended by the Localism Act 2011. I am content that the HNP meets the requirements of The Town & Country Planning Act 1990, s 61 G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.
- 2.5 ***Regard to the National Planning Policy Framework (NPPF) – Shared Vision***
- 2.6 The Parish Council's vision for Headcorn is clearly set out in the draft neighbourhood plan and restated in the Basic Conditions Statement at page 6 as follows:

*“Vision for Headcorn*

*HPC's vision is for Headcorn to continue to thrive as a friendly, rural village community with a strong local economy. We believe that Headcorn should evolve gradually over time in a way that, through appropriate choices of the scale and design of individual developments, preserves and enhances the distinctive character, landscape and setting of the village, while meeting the needs of local residents and businesses. This will be achieved by:*

- Maintaining a sense of being a country village, with a strong local community.*
- Supporting a vibrant local economy, based around the High Street, agriculture, leisure, tourism and small business enterprise.*
- Ensuring the village is supported by a robust infrastructure, designed to meet the needs of local residents and businesses.*
- Ensuring that there is a robust policy framework governing development in the countryside around Headcorn that will support both local needs and the benefits residents receive from being surrounded by beautiful countryside.*
- Ensuring that development in the Parish is managed in a way that is sustainable; promotes small scale development; is well designed; is capable of meeting the*

*needs of local residents in different age groups and family units; and is in keeping with its setting."*

- 2.7 In relation to the presumption in favour of sustainable development, the NPPF advises that all plans should be based upon this presumption with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular, neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.
- 2.8 The Basic Conditions Statement refers to the requirement in the NPPF at paragraphs 183-185. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and
  - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 2.9 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.
- 2.10 At the hearing on 18<sup>th</sup> October 2016, the extent to which a "shared vision" of the future of Headcorn, as envisaged in the NPPF at paragraph 183 of the NPPF and the NPPG was considered. It was clear that the approach to growth was not aligned between MBC and the Parish Council. The Parish Council plainly favours organic growth, but based upon meeting the needs of the local community, as represented for example by Policy HNP9, concerning

affordable housing provision. The vision for the future of Headcorn appears to be driven from its perception of the settlement as being relatively inaccessible within the County. This is clearly set out in the introduction to the draft neighbourhood plan. Conversely, for more than a decade, MBC has identified Headcorn as a second-tier settlement within the Borough Council's administrative area and has identified Headcorn, with certain other settlements, as a Rural Service Centre (RSC). At the hearing, the designation of Headcorn as an RSC was explained by Mr Fullwood (MBC), that the perspective of the Borough Council is wider than that of the Parish. The latter explained that it was seeking organic growth over the Plan period to 2031. Mr Fullwood advised that the settlement was performing well as a Rural Service Centre and as such Headcorn had the capacity to accept more housing, although acknowledged that the Parish Council had agreed to accept up to 30 houses although there were no specific housing allocations.

- 2.11 In relation to whether there was a shared vision between the Parish and Borough Councils, the Parish Council and MBC conceded that there were differences, although it is evident that the vision of the future of Headcorn has very strong support from residents. Mr Fullwood (MBC), explained that the perspective of the Borough Council is wider than that of the Parish. Dr Driver for the Parish Council's HNP Steering Group explained that it was seeking organic growth over the Plan period to 2031. Mr Fullwood advised that the settlement was performing well as a Rural Service Centre (RSC) and as such Headcorn had the capacity to accept more housing.
- 2.12 Concerning Rural Service Centres, Mrs Horsford of the Parish Council considered that the RSC concept was not relevant to Headcorn, indicating in her opinion such designation should reflect the location itself, and not just assume the term RSC is synonymous with sustainable development. The views expressed by Mrs Horsford were that Headcorn is a village located a significant distance from any urban areas and this needs to be reflected in development patterns, rather than simply assuming the term RSC means Headcorn can absorb urban style development. The Parish Council considered the urban area of Maidstone itself was more sustainable as a location for development and had a significant number of unallocated sites identified through the SHLAA, but that many other settlements in the Borough, such as Sutton Valence, offered greater opportunities for sustainable development. The residents of Headcorn indicated that they were not anti-development, but that they sought development to be sustainable and reflect the character of their area. The Parish Council considered other settlements, such as Sutton Valence offered greater opportunities for sustainable development. I note that Appendix A to the Basic Conditions Statement, being the record of the decision of Maidstone Borough Council approving

Headcorn Parish as a Neighbourhood Plan Area (made on 8<sup>th</sup> April 2013), refers to the identification of Headcorn as a Rural Service Centre.

- 2.13 The Parish Council considered only two settlements were accessible from Headcorn in under an hour by public transport, namely Ashford and Tonbridge, but commuting between these was relatively weak. Dr Driver indicated that from 202 new dwellings built in the Parish between 2001 and 2011, this resulted in only 2 additional people using trains. I understand that that only 1.5% of those commuting from Headcorn to Tonbridge do so by train and only 5.2% of those commuting to Ashford. Nonetheless, compared to other settlements without the modal choice of rail travel, it is understandable that the rail based opportunity is an important and sustainable factor in the earlier and continued designation of Headcorn as an RSC.
- 2.14 The policies of the draft neighbourhood plan for Headcorn are predicated on the vision for the settlement to 2031. In the light of the differences between the Parish Council and MBC regarding the vision for the future of Headcorn, it is unsurprising that there are differences between these bodies in relation to the policy approach that should be adopted in preparing plans for the purposes of development management of the Parish in the neighbourhood plan.
- 2.15 Having set out the Vision for Headcorn, the draft HNP then seeks to demonstrate how the Plan would meet the NPPF by reference to relevant NPPF chapter headings as follows:
- Building a strong, competitive economy (and) supporting a prosperous rural economy
  - Ensuring the vitality of town (and village) centres
  - Promoting sustainable transport
  - Delivering a wide choice of high quality homes
  - Requiring good design
  - Promoting healthy communities
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
- 2.16 In preparing the HNP, a different interpretation of the NPPF has been taken by the Parish Council in the preparation of the Plan and the draft policies in relation to what constitutes sustainable development as outlined in the NPPF. The draft HNP recites the three dimensions, (economic, social and environmental) that influence and require the planning system to perform in fulfilling these three specific roles. In addition, the draft plan adds a

further geographic dimension – the rural location. The Plan argues at page 15 for rural development to be provided where needed but to concentrate the provision of housing in urban areas and refers to NPPF paragraph 54 in this context:

*“54. In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.”*

2.17 Whilst I concur that local needs and local circumstances need to be reflected in the preparation of neighbourhood plans, the wider strategic policies of the adopted local plan should be respected if the Plan is to meet the Basic Conditions test. In the case of Headcorn, the adopted Local Plan is the Maidstone Borough Wide Local Plan, adopted in 2000. The draft Maidstone Borough Local Plan, prepared to replace the saved policies of extant adopted Local Plan has been prepared contemporaneously with the HNP. The Maidstone Borough Local Plan, if adopted, will provide a framework for development until 2031 and the HNP has also been prepared to run to that date. Maidstone Borough Council states on its web site relating to the draft Local Plan, that the policies will be used to make decisions on planning applications. *“The countryside is an important part of Maidstone, and the best way to protect it is to allocate specific sites for development. This way we will have the power to fight developments that are not suitable for our communities.”* Unlike the draft Local Plan, the Headcorn Neighbourhood Plan has not been prepared based on allocating specific sites. This is unfortunate, since with the duty to co-operate, it would normally be expected that the advice in the NPPG would be followed, which states:

*“A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.*

*Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- a. the emerging neighbourhood plan;*
- b. the emerging Local Plan;*
- c. the adopted development plan;*

d. *with appropriate regard to national policy and guidance.*

*The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.*

*The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”*

*Paragraph: 009 Reference ID: 41-009-20160211*

*Revision date: 11 02 2016*

2.18 The approach taken by Headcorn Parish Council in assessing housing need for Headcorn is I understand, directly based on MBC’s SHMA. However, unlike Headcorn, MBC has identified specific sites in its housing policies for housing development. Within the Headcorn NP, the housing sites considered are shown in Appendix 4, figure 29 at page 143 and rank ordered in relation to an assessment of sustainability. These sites considered appropriate for development are not however included in a policy for development management purposes within the HNP. It is unfortunate that there is not a shared vision regarding housing allocations in the Headcorn NP housing policies, given the contemporaneous assessment with MBC, but I do not consider this alone to be fatal to the Plan in relation to the Basic Conditions test.

## 2.19 **HNP Housing Policies**

2.20 In providing evidence for the draft Local Plan, the SHMA Update – Implications of 2012-Based Household Projections Ashford, Maidstone, and Tonbridge and Malling Borough Councils, Final Report, June 2015, prepared by GL Hearn, helpfully summarises the national planning policy advice contained within the NPPF and NPPG in relation to the preparation of objectively assessed housing need. The NPPF sets a presumption in favour of sustainable development whereby Local Plans should meet objectively assessed development needs, with sufficient flexibility to respond to rapid change, unless the adverse impacts of doing so would significantly or demonstrably outweigh the benefits or policies within the Framework



indicate that development should be restricted. The NPPF highlights the Strategic Housing Market Assessment (SHMA) as a key piece of evidence in determining housing needs. Paragraph 159 in the Framework outlines that this should identify the scale and mix of housing and the range of tenures which the local population is likely to need over the plan period which:

- Meets household and population projections, taking account of migration and demographic change;
- Addresses the need for all types of housing, including affordable housing and the needs of different groups in the community; and
- Caters for housing demand and the scale of housing supply necessary to meet this demand.

2.21 This is reaffirmed in the NPPF in Paragraph 50. The SHMA is intended to be prepared for the housing market area, and include work and dialogue with neighbouring authorities where the HMA crosses administrative boundaries.

2.22 Paragraph 181 of the NPPF sets out that LPAs will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. Paragraph 158 of the NPPF also emphasises the alignment of the housing and economic evidence base and policy. Paragraph 17 in the NPPF reaffirms this, and outlines that planning should also take account of market signals, such as land prices and housing affordability. It also makes clear that plans must be deliverable.

2.23 National Planning Practice Guidance was issued by Government in March 2014 on ‘Assessment of Housing and Economic Development Needs’. The Guidance provides clarity on how key elements of the NPPF should be interpreted, including the approach to deriving an objective assessment of the need for housing. The Guidance defines “need” as referring to: “the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet this need.”

2.24 It sets out that the assessment of need should be realistic in taking account of the particular nature of that area, and should be based on future scenarios that could be reasonably expected to occur. It should not take account of supply-side factors or development constraints. The Guidance states that:

*“plan makers should not apply constraints to the overall assessment of need, such as*

*limitations imposed by the supply of land for new development, historical under performance, infrastructure or environmental constraints. However these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans.”*

2.25 The Guidance states that estimating future need is not an exact science and that there is no one methodological approach or dataset which will provide a definitive assessment of need. However, the starting point for establishing the need for housing should be the latest household projections published by the Department for Communities and Local Government. It acknowledges that there may be instances where national projections require adjustment to take account of factors affecting local demography or household formation rates, in particular where there is evidence that household formation rates are or have been constrained by supply. It suggests that proportional adjustments should be made where the market signals point to supply being constrained relative to long-term trends or to other areas in order to improve affordability.

2.26 Regarding employment trends, the Guidance indicates that job growth trends and/or economic forecasts should be considered having regard to the growth in working-age population in the housing market area. It sets out that where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns (depending on public transport accessibility and other sustainable options such as walking and cycling) and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing and infrastructure development could help to address these problems.

2.27 The National Planning Practice Guidance (NPPG) is explicit regarding the status which should be accorded to assessments of OAN, setting out that:

*“assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.”*

2.28 The NPPF and Practice Guidance set out a clear approach to defining OAN for housing. As I understand matters, the approach outlined above is the approach adopted by GL Hearn on behalf of Maidstone Borough Council in undertaking its OAN for the draft Local Plan. It is understood that the Parish Council used the same data in deriving its own OAN, yet Headcorn has reached different conclusions regarding housing need and the need for

affordable housing over the same time horizon. These differing conclusions contribute to the lack of a shared vision for the future of Headcorn over the plan period.

- 2.29 At the hearing, it was evident that the Parish Council had drawn on the Borough Council's SHMA report in relation to the expected emerging households within the Parish being in the region of 277 households, based on 2011 population projections and pointed to a 10% fall in households in the updated 2012 projections. The Parish Council considered that three important issues in determining housing need were economic needs, social sustainability and environmental effects of additional housing. In relation to local business expansion, there was not a need for further residents in Headcorn and no need for additional housing, as recent planning permissions meant that no additional housing would be needed to meet the needs of local businesses. There were concerns from the Parish that significant further housing would harm the distinctiveness of Headcorn and that additional housing would alter commuting patterns leading to harmful environmental effects. There was also considerable concern about the impact on social sustainability of factors such as poor access to secondary schools, poor access to hospitals, the high cost of living, high commuting costs and poor access to key jobs markets.
- 2.30 The NPPG advises (at paragraph: 040 Reference ID: 3-040-20140306) that where *"...a neighbourhood plan comes forward before an up to date Local Plan is in place, the local planning authority should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress and to share evidence used to prepare their plan. Neighbourhood plans should deliver against the objectively assessed evidence of needs."* This is the position in Headcorn, it is evident that whilst there has been some sharing of evidence in the preparation of the HNP, the interpretation differs between the Parish Council and MBC. The housing policies in the HNP reflect the interpretation of the evidence made by the Parish Council, but I am not persuaded that they reflect existing planning policy or the policy thrust of the NPPF. Whilst it might be suggested that extant Policy H27, which is based on the rural housing policies of the Kent Structure Plan 1996, only facilitates minor development, altering a village boundary in to facilitate additional housing development within a neighbourhood plan subject to appropriate consultation having taken place, could appear a satisfactory way forward and one which has been undertaken satisfactorily elsewhere to facilitate planned housing development, recognising that if the draft Local Plan is adopted, those policies would "trump" the policies of the HNP.
- 2.31 At the hearing, I ventilated these anxieties, recognising the very high level of support that the draft policies had received locally through public consultation, demonstrating the clear preferences of the local community. In raising these concerns later in the day, the parties

agreed to try to work through the differences with a view to establishing whether there might be changes to the policies which could lead to policy alterations, or deletion of policies that might, subject to appropriate evidence based justification, prove to be consistent with national planning policy guidance and currently adopted strategic planning policies of MBC, in order for me to be satisfied that subject to such changes the Plan might be said to meet the Basic Conditions. These discussions took place on the understanding that I might not in the event be able to recommend such policy alterations discussed.

- 2.32 In relation to Policy HNP6 which caps development to 30 dwellings, I was concerned that this would cut across the third of the core planning principles in the NPPF at paragraph 17 which states:

*“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;”*

- 2.33 The Parish Council’s justification for limiting development to only 30 dwellings relates to the ability of the community to absorb new residents within the community, maintenance of the “village feel”, ensuring high quality design and appropriate use of materials and to enable the housing stock to adjust to changing housing needs and circumstances (page 62 of the HNP). At the hearing, the Parish Council indicated a willingness to increase the cap to 60 dwellings per large site. In relation to both satisfying housing need and meeting supply aspirations, I am not convinced that the Parish Council’s justification for a cap on housing numbers in Policy HNP6, whether 30, 60 or another number, without clear site allocations relating to site characteristics would be anything other than arbitrary. Such a restriction would I believe, be contrary to national planning policy to *“Proactively drive and support sustainable economic development to deliver the homes....”* and *“...respond positively to wider opportunities for growth...”*

- 2.34 For the same reasoning, I find that Policy HNP7 is similarly overly restrictive and arbitrary. There is no clear evidence that developing more than 45 new dwellings, comprising individual developments of no more than 9 dwellings (*Larger Developments*), should be developed in the period up to 2026 (subject to a review in 2021) and that thereafter targets should be reviewed in 2026. In the course of the hearing it was accepted by the Parish Council that it would be reasonable and appropriate to delete draft Policy HNP7.

2.35 In relation to draft Policy HNP13: Density and Coverage, housing density is capped at 30 dwellings per hectare. The Parish Council explained at the hearing that the average housing density in the village was only 15 dwellings per hectare and Policy HNP would therefore allow for a doubling of the current average density. Mr Fullwood, on behalf of Maidstone Borough Council made various points of concern regarding the proposed density restriction including that within the centre of the village higher density development could in certain circumstances be appropriate within the conservation area; the policy would apply equally to small affordable dwellings which frequently need to be developed at higher densities to be affordable; and the lack of clarity within the policy as to whether the 30 dpha cap should apply to the net or gross site areas. I note that from the Residents' Survey and consultation that parishioners sought a range of dwelling sizes to be provided in new developments. I also note that the supporting text in the HNP refers to the need for flexibility to allow new development to reflect changing needs and demand for housing over the life of the plan. This approach would be consistent with the expectation that planning policies should also be responsive to market signals as advocated in the NPPF Core Principles, at paragraph 17. This would not indicate a prescriptive cap should be applied. At the hearing, I indicated that I thought that HNP13 should be deleted from the Plan as this would not reflect national policy in the NPPF. I remain of that opinion.

#### 2.36 ***Affordable homes***

2.37 Maidstone Borough Council's adopted affordable housing policy is contained within the Affordable Housing Development Plan Document (DPD), December 2006. Policy AH 1, states that on sites of 15 units or more, or 0.5 ha and greater, the Council will seek 40% of the dwellings to be affordable dwellings, other than in exceptional circumstances and on allocated greenfield sites, the Council may seek more than 40%. In the case of the draft affordable housing policy, HNP 9, the target rate for affordable homes is 20%, for Large Village Developments (being more than 9 houses), with a tenure split being shared ownership for the first two of three affordable homes, the balance being social rented housing. Policy HNP9 is not therefore compliant with Affordable Housing Development Plan Document Policy AH1, Adopted, December 2006. The Affordable Housing DPD was one of the first planning policy documents to be adopted under the Council's Local Development Scheme, and Policy AH1 replaces Policy H24 of the Maidstone Borough-Wide Local Plan (2000). Policy AH1, at paragraph 1.7 of the Affordable Housing DPD, "...seeks to negotiate a minimum 40% affordable housing provision for all new residential units on suitable sites..." The policy further requires, "... of the 40% affordable housing, not less than 60% of units should provide for new rental (representing 24% of the total site yield) and 40% of

*dwellings should provide for shared ownership, shared equity and discounted market rent properties (16% of the total site yield). ”*

- 2.38 This strategic adopted local planning policy has been effective for the last ten years. Maidstone Borough Council’s “Maidstone Housing Strategy 2016 – 2020” described as being an overarching plan that guides the Council and its partners in tackling the major housing challenges facing the borough sets out the priorities and outcomes that the Council wishes to achieve. The Housing Strategy refers to the Maidstone Strategic Housing Market Assessment (2014) which identifies that the Council has a net affordable housing need of 5,800 households in the period 2013 to 2031, equivalent to 322 affordable homes each year (which is 35% of the Council’s objectively assessed need of 928 dwellings p.a.). The Housing Strategy notes that in relation to tenure, across the Borough as a whole, it is estimated that some 67% of need is for social or affordable rent tenures, whilst around 33% is for intermediate housing. Smaller (one and two bedroom) dwellings account for between 60% and 70% of the need with larger (three and above) dwellings accounting for between 30% and 40%.
- 2.39 Concerning housing need, the Housing Strategy confirms that property within the villages and small towns are expensive; reflecting the attractiveness of the Borough, but that many local people are priced out of the housing market and unable to afford to live locally. The result being that many young couples and families have been forced to move away elsewhere in search of more affordable accommodation. The Housing Strategy notes that this can have a detrimental effect on the balance and sustainability of the local community. Through the provision of affordable housing in rural locations, the Housing Strategy advises that local people can be assisted to remain in the village or town where they have strong family or employment ties.
- 2.40 The Maidstone Strategic Housing Market Assessment (January 2014) showed that over a quarter of households have an income below £20,000 with a further third in the range of £20,000 to £40,000. The overall average income of all households in the Borough was estimated to be around £31,600 with a mean income of £42,000. The Housing Strategy demonstrates that in the rural areas within the Borough, at least 40% of households could not afford to access market housing based on income levels on data from the Maidstone Strategic Housing Market Assessment (January 2014).
- 2.41 The housing needs assessment undertaken by GL Hearn as part of the evidence base for the local plan appears to support the existing policy for affordable housing provision in the adopted affordable housing policy in Policy AH1. At the Hearing, HPC argued that the



choice for the level and mix of affordable housing in the HNP was informed by both economic and social sustainability considerations, together with a housing-needs survey. However, to meet the Basic Conditions test, neighbourhood plan policies need to be in conformity with the strategic policies of Maidstone Borough Council. In my opinion there is insufficient justification to prefer the Parish Council's assessment of housing need in relation to affordable housing policy compared with current Boroughwide adopted policy and evidence supporting the emerging policy in relation to affordable housing provision delivered through the planning system. In any event (and without having regard to emerging local plan policy), draft policy HNP 9 would not in my judgment meet the Basic Conditions test of being in general conformity with the strategic policies of the development plan for the local area in relation to the target amount of affordable housing sought, or expected, in relation to affordable housing tenure.

2.42 ***Water management and the risk of flooding.***

2.43 It is evident that Headcorn village has suffered for many years from flooding. At the hearing I was supplied with a number of laminated photographs showing extensive flooding including evidence of sewage surcharged from the village sewer system. It was explained at the hearing that Southern Water and KCC were in discussions regarding the problem and the solution required. There were clear and understandable frustrations from parish representatives that the problems associated with the flooding problem were yet to be resolved. The frustration with the unresolved waste water and rainwater management has influenced the preparation of Policy HNP11. This policy seeks two pre-conditions before further Small Village Developments or Larger Village Developments will be granted. The first pre-condition is that the sewerage system within Headcorn shall have been upgraded to ensure that adequate capacity exists to cope with existing demands as well as the demands imposed by the proposed new development. The policy states that the provision of holding tanks would not be sufficient. The second pre-condition relates to the provision of sufficient land adjacent to the current school to facilitate the expansion of the school to two form entry, including the playing facilities at no lower quality than provided at present.

2.44 The first pre-condition has been the subject of various objections from Southern Water. I understand from the helpful comments made at the hearing from Southern Water's representatives that the external flooding is due to rainwater affecting the pumping station in Moat Road and caused by surface water entering the sewerage system which the network was not designed to convey. An integrated scheme is being modelled to overcome the problems to deliver capacity for new development and overcome the pre-existing problems.

- 2.45 The pre-condition proposed by the Parish Council in HNP11 would place a disproportionate burden upon housing developers in Headcorn to either meet the cost of remedying existing problems, in addition to the impact of the new housing proposed, or in the alternative, to wait until pre-existing problems have been remedied. Such a burden would be inequitable and contrary to and inconsistent with the NPPF and NPPG, as previously explained by Southern Water. I agree that it would not be appropriate for the planning system to expect development to remedy pre-existing problems or be frustrated in bring forward new housing providing this would not exacerbate drainage conditions through appropriate mitigation.
- 2.46 Strategic Flood Risk Assessment (SFRA) prepared in 2008 has I understand been updated but at the time of the hearing this was nearing completion. The flood zones attributable to the River Beult, in HNP3 will have been revised and the map in HNP3 will need to be reviewed. I understand that consequently, there are no significant changes required to the housing allocations in the Local Plan, most which already have planning permission. In the light of the information provided during the hearing and having regard to the observations of the Parish Council and consultees, I am of the opinion that the first pre-condition is not appropriate in terms of planning policy and that planning conditions requiring that new development should not exacerbate existing drainage conditions would suffice in most circumstances, although there may be a need to secure mitigation through a planning agreement under s106 of the Town & Country Planning Act 1990 (as amended) where financial contributions are considered relevant.
- 2.47 In relation to the need for expansion land for the school site, Mr Abrahams from KCC explained that the proposal was to increase the capacity of the primary school in Headcorn to two-form entry with a capacity of 420 pupils. There was therefore a need for additional land. Mr Abrahams explained that a planning obligation was in place to enable the land to be transferred to the County Council for expansion of the primary school following the grant of planning permission on 10th August 2016 (MA/16/503892). The school expansion is due to increase from 1 form entry to 2 form entry for September 2017. Mr Abrahams commented that he thought the pre-condition was both appropriate and helpful and as development MA/16/503892 was subject to a judicial review, considered that the pre-condition should remain. I note that planning permission has subsequently been approved for an updated Ecology Method Statement and a detailed sustainable surface water drainage scheme, pursuant to conditions 10 and 13 of planning permission MA/16/503892, under reference KCC/MA/0263/2016, which was approved on 5<sup>th</sup> January 2017. In addition, under reference KCC/MA/0297/2016, I further note that planning permission relating to details of all materials to be used externally was approved on 20<sup>th</sup> December 2016. It appears that the intention on the part of Kent County Council to deliver the additional development to meet the need for a

two-form entry school at Headcorn remains. It would therefore appear that the need for the second pre-condition in Policy HNP11 has fallen away.

#### 2.48 **Local Green Space**

2.49 Policy HNP4 refers to the inclusion of Local Green Spaces (LGS) within the HNP, but the Plan omits to include a policy to include the justification for including particular areas as LGS. The LGS areas are listed on pages 53 and 54 of the supporting text and identified on Figure 18, although this map is of an inadequate scale to clearly identify the proposed Local Green Spaces. Paragraph 77 of the NPPF sets out the criteria that need to be satisfied to designate areas of Local Green Space as follows:

*“77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- where the green area concerned is local in character and is not an extensive tract of land.”*

2.50 I anticipate that the first and third criteria would be satisfied, but it is not evident from the HNP why these five areas are demonstrably special to the local community and whether they hold adequate local significance to warrant LGS designation. Without such justification, the LGS areas proposed would not comply with the requirements of the NPPF, and would not therefore meet the Basic Conditions test. In my view, an examiner would expect to see within the policies section of the draft neighbourhood plan, a list of the proposed Local Green Spaces together with plans, clearly delineating the boundaries of the proposed LGS areas, a draft planning policy indicating how the LGS sites should be considered for development management purposes and the justification as to why these specific areas have been selected, following the guidance in the NPPF at paragraph 77. Normally, the arrangements for long term property management and maintenance of LGS will also be a consideration.

#### 2.51 **Employment development**

2.52 Draft Policy HNP21 seeks to promote employment development at Barradale Farm during the Plan period (2011-2031) with planning permission for up to an additional 5,500m<sup>2</sup> of B1; B2 and B8 development. At the hearing a discussion took place as to whether it would be

too prescriptive to limit development of individual units to no more than 500m<sup>2</sup> each. The HNP states at page 107 in introducing this topic that Headcorn is relatively far from local urban centres and motorway access, notwithstanding that Headcorn has a thriving local economy based on small and medium sized enterprises. The Parish Council indicated that there was a clear preference for the small businesses to be encouraged in the parish (69%) and that 79% of local businesses employed between 1-10 people, justifying a restrictive small employment space policy.

- 2.53 The Borough Council disagreed and saw this as an attempt to micro-manage the provision of small business units. Having regard to the nature of employment within the settlement, it would appear likely that demand for employment space is likely to arise from small businesses and start-ups, although there is likely to be some need to cater for the expansion of existing enterprises to expand into larger accommodation within the Rural Service Centre. The employment potential offered by the Barradale Farm site is in any event small and the opportunities offered are already restricted in terms of development potential. Therefore, a small unit restriction may prove to be unnecessary as the demand to locate on this site is likely to be for use by small enterprises, reflecting the scale of the settlement.
- 2.54 Having regard to the core principles within the NPPF to proactively drive and support sustainable economic development, plans should take account of market signals, again allowing flexibility to take account of the needs of local businesses from time to time over the life of the Plan. To provide adequate flexibility and given the relatively small size of the site at Barradale Farm, there is little justification to cap the size of employment development to only 500 m<sup>2</sup> floorspace per unit. It was agreed at the hearing that the cap should be removed.

### 3.0 **Contribution to Sustainable Development and Conformity with the Strategic Policies for the local area**

- 3.1 There were 170 Regulation 16 consultation comments, many from residents supporting the proposals as well as several housebuilders who sought changes to the Plan policies. I am grateful to all parties who have contributed to the consultations and whose comments have not been expressly referred to in the preparation of this report. As identified above and in the light of the findings from the hearing, whilst having considerable local support, the HNP would not foster an acceptable contribution towards sustainable development that might otherwise be possible having regard to existing strategic local plan and national policy.
- 3.2 In preparing this report I consider there are HNP policies that may be regarded as being acceptable, having regard to the NPPF and existing saved policies of the local plan. Other policies not specifically referred to in this report would need revision in order that they might

be acceptable for development management purposes to meet the Basic Conditions test, or in the alternative, deleted.

- 3.3 Whilst considerable progress was made during the hearing in assessing changes that would be necessary in policy terms to make the HNP acceptable, there would nonetheless be the need to substantially re-write the Plan, if such policy changes were acceptable to the Parish Council. As part of this process, it would be necessary to re-cast the reasoned justification for those changes in the text. The scale of these changes would be beyond the remit of the examination process and the alterations would need clear justification related to survey information and assessment. There would in my opinion also remain a need to alter the affordable housing policy to comply with the adopted MBC policy for housing in rural areas.

#### 4.0 **Public Consultation and The Consultation Statement**

- 4.1 Part 5 of The Neighbourhood Planning (General) Regulations 2012, “the Regulations”, makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process; and
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

- 4.2 The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process.

- 4.3 Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the HNP plan-making process has raised awareness and encouraged the community in Headcorn to understand and in some cases, query the draft policies as well as the Plan's scope and limitations.

4.4 The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees from 15th June 2015 until 31st July 2015, covering the Regulation 14 consultation. It is clear from the Consultation Statement that there has been an extensive amount of engagement with local community and statutory bodies, by the Steering Group using traditional means through public meetings, exhibitions and public events as well as via the use of social media (Facebook) and the parish website. The Regulation 16 Consultation was completed on 26th February 2016, I note that there were 170 responses filed on the Borough Council's website.

4.5 I am satisfied that the Consultation Statement complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

## 5.0 **Conformity with European Union Obligations**

5.1 I understand that Headcorn Parish Council requested a Strategic Environmental Assessment (SEA) screening opinion of an early draft Neighbourhood Plan (October 2014). The screening opinion concluded that, subject to consideration of the cumulative nature of the effects of the Plan, the emerging Neighbourhood Plan was not likely to have a significant effect on the environment. Also, the Headcorn Neighbourhood Plan was not considered likely to cause a significant effect on a European site and would not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

5.2 A further SEA and Habitat Regulation Assessment screening opinion was provided for the Headcorn Parish Neighbourhood Plan: 2011-2031, Regulation 14 Consultation, June 2015. This assessment also concluded that the Regulation 14 Neighbourhood Plan was not likely to have a significant effect on the environment. In addition, the Regulation 14 Headcorn Neighbourhood Plan was not considered likely to cause a significant effect on a European site and did not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)). This screening report was supported by the statutory consultees.

5.3 Maidstone Borough contains two sites of European importance: North Downs Woodlands to the west of the district is a Special Area of Conservation (SAC) and Queendown Warren SAC which lies on the northern border of Maidstone Borough. The Regulation 16 Headcorn Neighbourhood Plan Area to the south of Maidstone and the additional population generated by the HNP was considered to be less likely to place recreational pressure on these two sites of European importance to the north of the town and that the conclusion following the



Screening Assessment, was that the Regulation 16 Neighbourhood Plan was unlikely to have a significant effect on the environment. In addition, the Regulation 16 Headcorn Neighbourhood Plan was not considered likely to cause a significant effect on a European site and would not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)). I am satisfied that this is the case and concur that the HNP is considered compatible with the EU Habitats Directive.

## 6.0 **Compatibility with human rights requirements**

- 6.1 There is no assessment within the Basic Conditions Statement as to whether the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and whether it also complies with the Human Rights Act 1998. Neighbourhood plans must be compatible with human rights law. A useful approach to assessing impact on human rights would have been to have undertaken an equalities impact assessment. Such assessment has not been undertaken as far as I am aware. I am not suggesting that the freedoms guaranteed under the European Convention on Human Rights or the Human Rights Act 1998 would necessarily be breached if the proposed HNP were to be made, but no express assessment is referred to in the Basic Conditions Statement, or other documents relating to the HNP. I conclude that there has been no express consideration as to whether the HNP meets the Human Rights Act requirements, in the preparation of this Plan.

## 7.0 **Summary**

- 7.1 A significant amount of survey work and analysis has been undertaken by the Parish Council and the Steering Group in preparing and undertaking consultations with appropriate consultees and the local community. The draft Plan has been subject to revisions in response to consultation responses, but not in all cases. On a positive note, the preparation of the Plan has gained accolades from Planning Aid and this appears well deserved.
- 7.2 Whilst seeking to protect and maintain the distinctiveness of the settlement, differences have arisen in some areas regarding the vision of Headcorn's development in the period up to 2031. It appears that a fundamental difference stems from the assessment of sub-regional and local accessibility of Headcorn to and from other settlements mainly in Kent and London. At the hearing, these differences were explored. It is evident that there is not a shared vision for the future of Headcorn in the Plan period. This was recognised by the Borough and Parish Council representatives at the hearing.

- 7.3 Whilst the Borough Council has collected Borough wide data for the preparation of the Local Plan, now at an advanced stage, the Parish Council has also relied upon such data in undertaking its own assessments of need. Differences have arisen and the conclusions reached and the policies derived at a local parish level show in certain matters, a degree of conflict between the more growth orientated expectation for Headcorn of the Borough Council, compared with growth at a more organic pace as perceived by the HNP Steering Group, extensively supported by the Parish Council and residents of Headcorn.
- 7.4 In undertaking the examination of the draft HNP, I have had regard to national planning policy and the relevant adopted saved strategic policies of the Borough-wide Local Plan, 2000 and related adopted planning policies. I have had relevant regard to survey and assessments undertaken to inform the preparation of the emerging Local Plan, but not to the resultant draft Local Plan policies.
- 7.5 At the hearing convened in October 2016 so that I might more fully understand the issues and the draft policies in the HNP and how they reflect national planning guidance and strategic adopted borough planning policies, I was impressed by the conduct of all parties in making clear representations and providing helpful additional information covering the areas where I sought further assistance. It was apparent that during the hearing in order that the Plan might be acceptable having regard to the Basic Conditions, some policy amendments would be necessary. I would like to thank the hearing participants for positively engaging during the hearing in the attempt to agree appropriate modifications to the draft policies that might make the HNP acceptable in relation to the Basic Conditions test. I am grateful for the flexibility shown by all participants.
- 7.6 In the event, there remain certain areas where I do not consider the Basic Conditions are, or could be met. In addition, the draft policy alterations discussed would require clear justification within the explanatory text, if the evidence supported such changes. This is beyond the scope of my brief in the independent examination of the HNP.
- 7.7 As a consequence of my examination, I am not satisfied that the HNP meets the Basic Conditions test in relation to:
- having appropriate regard for national policy;
  - adequately contributing towards the achievement of sustainable development; and
  - being in general conformity with the strategic policies of the development plan for the local area;
- 7.8 Neither am I satisfied that appropriate regard has been demonstrated to confirm that the draft Plan is compatible with the Human Rights Act 1998.

## 8.0 Recommendation

- 8.1 For the reasons set out above, I consider that the Plan does not meet the Basic Conditions in terms of:
- having appropriate regard to national planning policy;
  - contributing to the achievement of sustainable development;
  - being in general conformity with the strategic policies in the adopted development plan for the local area;
  - compatibility with human rights requirements has not been demonstrated in the preparation of the Plan.
- 8.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10, that the Headcorn Neighbourhood Plan should not proceed to a referendum.

**Jeremy Edge BSc FRICS MRTPI**  
**19<sup>th</sup> March 2017**

## **Appendix 1**

### **Background Documents**

In examining the Headcorn Neighbourhood Plan, I have had regard to the following documents in addition to the HNP:

- a) Headcorn Matters, Headcorn Neighbourhood Plan 2011 – 2031, 2015 – Regulation 16 Consultation version
- b) National Planning Policy Framework, March 2012
- c) National Planning Practice Guidance
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning Act 2008
- f) The Localism Act (2011)
- g) The Neighbourhood Planning (General) Regulations 2012
- h) Basic Condition Statement in accordance with Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), Submission Date: - November 2015
- i) Headcorn Parish Neighbourhood Plan: 2011-2031 Regulation 16, 2015 SEA and Habitat Regulation Assessment Screening Report
- j) Headcorn Neighbourhood Plan 2011 – 2031, 2015, Consultation Statement, Section 15 of the Neighbourhood Planning (General) Regulations 2012
- k) Appendix to HNP Consultation Statement - November 2015
- l) Maidstone Borough Wide Local Plan, adopted 2000
- m) SHMA Update – Implications of 2012 Based Household Projections Ashford, Maidstone, and Tonbridge and Malling Borough Councils, Final Report, June 2015, prepared by GL Hearn
- n) Affordable Housing Development Plan Document (DPD), Maidstone Borough Council, December 2006.
- o) Maidstone Housing Strategy 2016 – 2020, Maidstone Borough Council
- p) Maidstone Strategic Housing Market Assessment (2014)
- q) Planning permission for expansion of Headcorn primary school to two-form entry with a capacity of 420 pupils, dated 10th August 2016 (MA/16/503892); KCC/MA/0263/2016, approved on 5th January 2017 and KCC/MA/0297/2016 relating to details of all materials to be used externally, approved on 20th December 2016.

## **Appendix 2**

### **Agenda**

#### **Headcorn Neighbourhood Plan – Examination**

#### **Hearing**

**Commencing 18<sup>th</sup> October 2016 at 10:00am**

**At  
The Village Hall  
Church Lane  
Headcorn  
Kent  
TN27 9NR**

**Independent Examiner  
Jeremy J Edge BSc FRICS MRTPI**

## **Agenda**

### **Headcorn Neighbourhood Plan Examination**

- 1) Introductions and welcome
- 2) Hearing Procedure
- 3) Questions

#### **Shared Vision**

Q1. The NPPG (at Paragraph: 001 Reference ID: 41-001-20140306), advises that Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area. Does the draft HNP represent a "shared vision" of the future of Headcorn as identified in the NPPF at paragraph 183 of the NPPF and the NPPG?

Q2. 19<sup>th</sup> March 2010, Maidstone Borough Council designated Headcorn together with certain other settlements, as Rural Service Centres (RSC). Is this designation relevant, if at all, in connection with extant planning policy? Does this designation carry any weight for development management purposes?

#### **Water management and dealing with the risk of flooding.**

Q3. Has there been further Flood Risk Assessment to alter or augment the advice within Maidstone BC's Strategic Flood Risk Assessment, (SFRA) May 2008 in the context of Policy HNP3?

Q4. The SFRA is said to be an evolving document. When published, the guidance referred for the need for sequential testing, the use of SUDs as a mitigation measure and for proposals for development in Flood Risk Zones 2 and 3 to be accompanied by Flood Risk Assessments. To what extent is the prohibition of development in Flood Zones 2 and 3 in the HNDP compatible with the SFRA May 2008 assessment?

Q5. Should the use of flood risk mitigation by SUDs be included in Policy HNP3 and if so might this affect the housing delivery policies?

Q6. What progress if any has been made between the authorities in seeking to develop a waste water solution to existing issues in Headcorn? If progress been made, how might this alter Southern Water's Regulation 16 representations?

Q7. To what extent should the Regulation 16 representations made by Southern Water be reflected in the draft policies HNP3, HNP11 and HNP27 of the draft neighbourhood plan?

Q8. If the policy amendments proposed by Southern Water were to be adopted, would this overcome Southern Water's contention that as drafted, the Plan fails to meet the basic conditions test?



## Local Green Spaces

Q9. Local Green Spaces (LGS) are referred to in draft policy HNBP4 and a plan identifying these is provided in Figure 18. However, there is no express LGS policy, or justification for each component of LGS, in the draft NDP. Should there be a LGS policy in the Plan?

Q10. If so, is there evidence sufficient to justify LGS designation in accordance with NPPF guidance at paragraph 77?<sup>1</sup>

## Housing Policies

**Housing Need** - The NPPG advises (at paragraph: 040 Reference ID: 3-040-20140306) that where “*..a neighbourhood plan comes forward before an up to date Local Plan is in place, the local planning authority should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress and to share evidence used to prepare their plan. Neighbourhood plans should deliver against the objectively assessed evidence of needs.*”

Q11. To what extent should the Headcorn evidence of need be regarded as being an “objective assessment of need” (OAN) and why?

Q12. Is there common ground between the Borough Council and Parish Council regarding the extent to which Headcorn may have delivered a previous over-supply of housing, in relation to need in previous years? If so, has this been assessed in the draft Headcorn NDP?

## Housing Supply

Q13. In relation to draft Policy HNP6 is there sufficient reason, related to the provision of sustainable development in Headcorn, to limit development to 30 dwellings on any one large site? How can this policy element be reconciled with the third of the core planning principles in the NPPF at paragraph 17 which states:

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

Q14. Policy HNP7 seeks to limit housing development other than micro development being development consisting of up to two dwellings, to 45 dwellings in the period up to 2026 and a further 45 dwellings between 2027 and 2031. Notwithstanding the opportunity to review the phased supply of housing in the

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<sup>1</sup> 77 The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

parish, does this draft policy offer sufficient flexibility in the event that housing supply fails to be delivered in the early part of the Plan period?

Q15. How would this policy satisfy the expectations of the NPPF at paragraph 17, core planning principles, to proactively drive and support sustainable economic development to deliver the homes the country needs?

Q16. Is there express justification in the NPPF or adopted local planning policy to support housing policy which constrains housing delivery?

Q17. Is the density restriction in draft Policy HN13, no greater than 30 dpha, appropriate in the context of NPPF paragraph 47, in terms of boosting significantly the supply of housing land and ensuring choice and competition in the market for land?

### **Affordable homes**

Q18. Maidstone Borough Council's adopted affordable housing policy is contained within the Affordable Housing Development Plan Document (DPD), December 2006. Policy AH 1, states that on sites of 15 units or more, or 0.5 ha and greater, the Council will seek 40% of the dwellings to be affordable dwellings, other than in exceptional circumstances and on allocated greenfield sites, the Council may seek more than 40%. In relation to draft Policy HN9, would a target rate of only 20% affordable housing in Larger Village Developments on sites delivering in excess of 15 dwellings, or being more than 0.5 ha in size be compatible with meeting the Basic Conditions?

### **School site expansion**

Q19. Does the draft NP adequately reflect existing planning permissions for development and related infrastructure improvements, such as for example the need for school provision associated with the development of 220 dwellings at Ulcombe Road permitted in 2015?

Q20. Draft Policy HN11, provides for preconditions to be met in relation to the village sewer system and school expansion. In relation to school expansion is there agreement with Kent County Council that the exiting Headcorn Primary School be expanded on its present site to meet future need? Does the education authority support the land identified in HN11, figure 26? If so, is the land sufficient and capable of being delivered?

Q21. In other circumstances within the County, does the education authority provide temporary education facilities to meet need for primary school provision and would this be a feasible and realistic solution at Headcorn? Were this to be the case would the Education Authority expect the delivery of permanent school expansion to be a precondition before either Small Village Developments or Larger Village Developments as defined in Policy HN6, be granted planning permission?

### **Employment development**

Q21. Draft Policy HN21 seeks to promote employment development at Barradale Farm during the Plan period (2011-2031) with planning permission for up to an additional 5500m<sup>2</sup> of B1; B2 and B8 development. Would it be too prescriptive to limited development of individual units to no more than 500m<sup>2</sup> each? What evidence exists that would justify this restriction? Would such a policy restriction be consistent with NPPF Core Principles contained in paragraph 17?

4) Any other business

5) Close of Hearing.

