

Session 7 –Rural Service Centres.

Inspector's Question 7.1

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

Council's Response:

7.1.1 The Council understands that this is primarily a question for the Representors who consider that the amount of development proposed in the Rural Service Centres is excessive. The Council considers the spatial strategy of the Maidstone Borough Local Plan, which has been tested through sustainability appraisal, is the most appropriate strategy to meet the objectively assessed needs of the borough (reference Document SUB 007).

7.1.2 In total, approximately 1987 dwellings are allocated at the five RSC's with a further 1,500 dwellings at the broad location of Lenham – representing 28% dwellings of the total allocations in the Local Plan.

7.1.3 In terms of making the most use of brownfield sites before accepting the need to allocate greenfield sites, the Council revisited all sites within the built up areas which were identified in the Urban Capacity Studies (2002 and 2009), the Employment Land Review (2013); the Town Centre Study (2010) and the Qualitative Employment Site Assessment Maidstone Borough Council Final Report – Appendix V - Town Centre Office Stock (2014). All sites put forward through these exercises have been included in the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2016 (HOU 007) or broad locations unless:

- they had been implemented;
- they had planning permission;
- there is no landowner interest (despite contact from the Council);
- they are not deliverable.

7.1.4 Extensive 'call for sites' opportunities for both housing and employment have been held as comprehensively set out in the Strategic Housing and Economic Development Land Availability Assessment, January 2016 (HOU 007).

7.1.5 In order to maximise the potential of brownfield sites, all sites put forward through these exercises were included as allocations or broad locations if they are suitable, available and achievable. Broad locations for future housing growth have been identified on brownfield sites within the town centre boundary and at Invicta Park Barracks, Sandling Road, Maidstone.

7.1.6 Consequently, despite every effort to identify suitable, available and achievable sites, only a proportion of the borough's objectively assessed housing need can be met on brownfield land, so greenfield sites have been allocated in the Local Plan to facilitate the step change required to meet this need.

7.1.7 In the same way, the Borough Council have assessed the suitability of availability sites at the edge of the urban area. The Borough Council considers that there is not further capacity at sites at the urban edge not allocated in the Local Plan to accommodate the approximately 3,500 dwellings (or a substantial proportion thereof) currently allocated at the RSC's.

Inspector's Question 7.2

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

Council's Response:

7.2.1 For clarity, the Borough Council is proposing to restructure policies to clearly indicate Strategic Policies in a new Chapter 4. This reflects an amended position from that set out in responses to sessions 1 – 6, and is a result of detailed consideration of the Inspector's letter to the Council dated 21 September (ED 011) and the Council's response dated 28 September (ED 012)

7.2.2 Policies SP8 and H2(3) are both strategic policies with which the Neighbourhood Plan would need to generally conform should it be made after the adoption of the Local Plan.

Inspector's Question 7.3

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

Council's Response:

7.3.1 Policy H2 (3) states that the Lenham broad location is proposed to come forward towards the end of the local plan period (post 2026). The housing trajectory also does not rely on a contribution from Lenham broad location until 2026.

7.3.2 The Borough Council is aware that there is concern that there may be insufficient flexibility in commencing the supply of housing in this broad location in order to achieve the necessary completions within the plan period. The sites can only be allocated through a development plan.

7.3.3 There remains a need to determine the optimal distribution of residential development, primary school, green infrastructure and appropriate transport measures as well as the programming of improvements to the sewage treatment works. The Council will continue to build on the Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR

002; STR 002(A) and STR 002(B)) over the next few months with further analysis and masterplanning with local stakeholders (including the Parish Council; AONB Unit; Kent County Council (as highway and education authority) and landowners and developers).

7.3.4 The outcome of this work can feed into the Lenham Neighbourhood Plan produced by Lenham Parish Council. The Neighbourhood Plan would have the role of allocating appropriate sites and associated infrastructure. Alternatively, if this is not feasible and a Neighbourhood Plan is not made by the end of December 2017, the Borough Council would commit in a revised Local Development Scheme to the adoption of a Lenham DPD by December 2019. In this way, the key infrastructure requirement to improve the sewage treatment works could be incorporated into the next Review which has commenced and will be completed in 2019. That will provide the framework for Southern Water's investment decisions over the next five years and could specifically identify phased works at Lenham, or provide the basis for a subordinate document to undertake that work. This would have the effect of making housing sites available from 2019/20 and allowing a build period of over 11 years. Following the two planning appeals, the residual broad location requirement is approximately 1350 dwellings which would require a delivery rate of some 120 dwellings per annum in the period to 2031.

7.3.5 The Neighbourhood Plan and/or the DPD would therefore be made/ adopted prior to the Local Plan review. The Local Plan should be amended to make it explicit that specific sites within the Lenham Broad Location are to be allocated by means of a Neighbourhood Plan or a Lenham DPD (see response to 7.6 below).

Inspector's Question 7.4

When is the Review of the Local Plan anticipated?

Council's Response:

7.4.1 Monitoring the outcomes of Local Plan policies will be undertaken annually through the authority's monitoring report and, as set out in paragraphs 1.3/5.29/17.126/21.30 of the Local Plan, a review of the Local Plan will commence by 2022 (five years following its adoption).

7.4.2 To add clarity, proposed modified text for the Monitoring and Review chapter of the Local Plan is provided at Appendix A and referenced as Proposed Change PC/84 outlining the circumstances that would trigger the need for an earlier review and to illustrate more clearly how the broad location at Lenham will be delivered.

Inspector's Question 7.5

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

Council's Response:

7.5.1 Paragraph 47 of the National Planning Policy Framework sets out the Government's desire to "boost significantly the supply of housing" and hence the Council has a strong focus

on housing delivery in the Local Plan monitoring framework. As stated in the Local Plan, the council will monitor delivery of its 20 year housing trajectory and its 5 year supply position (Para 21.8).

7.5.2 The Borough Council has made good progress in identifying, allocating and consenting housing sites and is confident of delivering housing sites in line with the trajectory following close liaison with the development industry on a site by site basis.

7.5.3 The Borough Council is aware that there is concern that there may be insufficient flexibility in commencing the supply of housing in this broad location in order to achieve the necessary completions within the plan period. The sites can only be allocated through a development plan.

7.5.4 There remains a need to determine the optimal distribution of residential development, primary school, green infrastructure and appropriate transport measures as well as securing programmed improvements to the sewage treatment works. The Council will continue to build on the Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B)) over the next few months with further analysis and masterplanning with local stakeholders (including the Parish Council; AONB Unit; Kent County Council (as highway and education authority) and landowners and developers).

7.5.5 For these reasons it is not considered necessary or desirable to allocate specific sites ahead of the necessary further analysis prior to adoption of a development plan. To do so would not be in accordance with the NPPF (Para 58) as it would not ensure a satisfactory integration of development or the satisfactory delivery of infrastructure to

- create developments which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- be visually attractive as a result of good architecture and appropriate landscaping. and infrastructure provision through a masterplanning approach

7.5.6 All the above factors are important to the sustainable expansion of Lenham and are given particular importance by the location of the Rural Service Centre close to the AONB.

7.5.7 The outcome of this work can feed into the Lenham Neighbourhood Plan produced by Lenham Parish Council. The Neighbourhood Plan would have the role of allocating appropriate sites and associated infrastructure. Alternatively, if this is not feasible and a Neighbourhood Plan is not made by the end of December 2017, the Borough Council would commit in a revised Local Development Scheme to the adoption of a Lenham DPD by December 2019. In this way, the key infrastructure requirement to improve the sewage treatment works could be

incorporated into the next Ofwat Review which has commenced and will be completed in 2019. That will provide the framework for Southern Water's investment decisions over the following five years and could specifically identify phased works at Lenham, or provide the basis for a subordinate document to undertake that work. This would have the effect of making housing sites available from 2019/20 and allowing a build period of over 11 years. Following the two planning appeals, the residual broad location requirement is approximately 1350 dwellings which would require a delivery rate of some 120 dwellings per annum in the period to 2031.

7.5.8 It is proposed that this approach be made explicit in policy wording and associated explanatory text (see response to 7.6 below).

Inspector's Question 7.6

In the alternative, should housing sites be allocated in the Lenham Neighbourhood Plan instead of a Review of the Local Plan and would the Neighbourhood Plan be required to generally conform to the Local Plan's strategic target for housing in Lenham?

Council's Response:

7.6.1 It is perfectly feasible for housing sites be allocated in the Lenham Neighbourhood Plan. Given the current progress of the Lenham Neighbourhood Plan, the Neighbourhood Plan would be expected to be advanced in the short term.

7.6.2 The Neighbourhood Plan would need to take into account the NPPF. In particular, the sites allocated would need to be developable. To be considered developable, sites should be in a suitable location and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

7.6.3 The Neighbourhood Plan would be required to be in generally conform with the Local Plan's strategic housing target of 1500 dwellings at Lenham and should not promote less development than set out in the Local Plan in accordance with the NPPF (Para 184).

7.6.4 In terms of the amount of development expected from the Lenham Broad Location, the reasoned justification for Policy H2 (3) states: Land adjacent to the east and west of Lenham's built form is considered suitable to accommodate additional housing *in the region of* 1500 dwellings in total if required towards the latter end of the plan period (post 2026) (Para 9.6). Policy SP 8 Lenham Rural Service Centre (6) states that Lenham is also identified as a broad location for growth for the delivery of *approximately* 1,500 dwellings. However, Policy H2(3) states that the target is *up to* 1,500 dwellings. For consistency and clarity it is proposed to amend Policy H2(3) – see composite amendment below.

7.6.5 Composite amendments are proposed in response to questions 7.3; 7.5 and 7.6 as follows:

Ref.	Proposed change	Reason
PC/85	<p>Amend final sentence of Policy SP8(6) to:</p> <p>6. Lenham is also identified as a broad location for growth for the delivery of approximately 1,500 dwellings in the latter period of the plan, in accordance with policy H2(3). <u>Further scoping of the balance of development at the edge of Lenham and master planning of the area will be essential to achieve a high quality design and layout, landscape and ecological mitigation, and appropriate provision of supporting physical, social and green infrastructure. Housing site allocations and associated infrastructure requirements will be made by the end of 2019 through the Lenham Neighbourhood Plan and/or a Lenham DPD. Housing sites should avoid major development in the Kent Downs AONB; significant adverse impact on its setting and coalescence with neighbouring Harrietsham.</u></p> <p>Amend para 5.52 as follows: 5.52 It is recognised that the location of Lenham within the setting of the Kent Downs Area of Outstanding Natural Beauty makes this an area sensitive to change. The benefits of selecting this most sustainable of all the rural service centres is considered on balance to outweigh the potential negative impacts on the landscape. The precise scale and location of future development will depend on further studies to assess the impact of development on the environment and to identify the mitigation measures necessary for any proposals to proceed. The precise scale will also depend on the progress being made towards meeting the housing target as the local plan comes forward for review. Recognising the need to avoid <u>large scale development in the Kent Downs Area of Outstanding Natural Beauty</u> and coalescence with the village of neighbouring Harrietsham, land at Lenham is available to the east and west of the village that has potential to deliver in the region of 1,500 dwellings.</p> <p>Amend Para 9.6 as follows:</p> <p>9.6 Land adjacent to the east and west of Lenham's built form is considered suitable to accommodate additional housing in the region of 1500 dwellings in total if required towards the latter end of the plan period (post 2026). The topography of this area is low</p>	<p>To reflect the legal requirement to allocate sites through a development plan and clarify the mechanism for, and timing and location of, site allocations.</p>

lying and does not have the same landscape or infrastructure constraints as some other areas of the borough. However, it is accepted that a number of infrastructure improvements and mitigation measures (e.g. transport, highways, education, health, sporting facilities, sewage treatment works improvements) would be required to ensure that any future development is integrated into the existing fabric of the settlement and to ensure that Lenham remains a sustainable settlement. Housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan and/or a Lenham DPD. In the absence of a made Lenham Neighbourhood Plan and/or DPD, planning permission would only be granted at the broad location if annual monitoring indicated that the release of housing sites at Lenham broad location was necessary to maintain a 5 year housing land supply.

Amend Policy H2(3) as follows:

Policy H2 (3)

Lenham broad location for housing growth

The rural service centre of Lenham is identified as a broad location in accordance with policies SP8 and H2 for up to approximately 1,500 dwellings towards the end of the local plan period (post 2026). Housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan and/or the Local Plan Review. In the absence of a made Lenham Neighbourhood Plan or Local Plan Review, planning permission would only be granted at the broad location if annual monitoring indicated that the release of housing sites at Lenham broad location was necessary to maintain a 5 year housing land supply. If the council's housing land supply position requires this broad location, as illustrated on the inset plan, to come forward before the local plan is reviewed In such circumstances, the following criteria must be met in addition to other policies of this local plan:

1. Preparation and submission of a master plan for the site(s) prepared in conjunction with and for approval by the council to illustrate how environmental, social, design and economic objectives of the Local Plan will be met and to demonstrate the physical and functional integration of the site(s) with Lenham which are relevant to attaining development guide development;
2. Submission of necessary ecological, arboricultural,

	<p>and landscape and visual impact assessments with detailed mitigation schemes where appropriate;</p> <p>3. Individual transport assessment for each development, to be submitted to and approved by the Borough Council in consultation with Kent County Council, as the highway authority, demonstrating how proposed mitigation measures address <u>the impact of development and would not prejudice the development of the broad location</u> cumulative impacts of all the sites taken together;</p> <p>4. Provision of, or contributions towards infrastructure improvements that benefit public transport users, pedestrians and cyclists in and around the village;</p> <p>5. Provision of, or contributions towards community infrastructure (e.g. schools, medical facilities, youth facilities), where proven necessary;</p> <p>6. Provision of publicly accessible open space, including natural and semi-natural open space, as proven necessary, and/or contributions;</p> <p>7. Appropriate surface water and robust flood mitigation measures will be implemented where deemed necessary, subject to a flood risk assessment, incorporating sustainable urban drainage systems;</p> <p>8. A feasible solution shall be identified to provide wastewater treatment capacity so that water quality objectives set by the Environment Agency are not compromised, and the necessary wastewater treatment capacity can be delivered in parallel with the development; and</p> <p>9. Development proposals must demonstrate that the necessary sewerage infrastructure is either available, or can be delivered in parallel with the development.</p>	
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Inspector’s Question 7.7

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

Council’s Response:

7.7.1 Proposed amendments to SP8 (6) (PC/85) should clarify the countryside constraints on site selection. This effectively interprets Policies SS1 (9) and SP17 (as proposed to be amended – ED 025) in relation to the growth of Lenham.

7.7.2 Policy DM21 is proposed to be classified as a strategic policy. This seeks the retention of B class uses but mixed use proposals incorporating an element of non B class uses may exceptionally be permitted where such development would facilitate the regeneration of the

site to more effectively meet the needs of modern business and where the overall employment capacity of the site is maintained. This could allow part of the Lenham Storage or Marley Employment Development Areas to come forward for housing development should the sites become available. Neither site has been submitted for housing development through the numerous calls for housing sites, and discussions by the Neighbourhood Plan Group appear to indicate that there were no plans for either company to move from the area in the next 10-15 years. It is the Borough Council's position that these sites are not currently available as sites capable of being allocated for housing development.

7.7.3 Policy DM24 is proposed to be classified as a strategic policy. Criterion 3 states that development proposals must demonstrate that the impacts of trips generated to and from the development are remedied or mitigated. Exploration of traffic impacts has already begun to help guide the balance of sites around Lenham (Lenham – Transport Mitigation Study - TRA003) but further work would be required (especially if development south of the railway line was to be proposed), including input from Kent County Council as local highway authority to test proposed site allocations.

7.7.4 Strategic Policy ID1 should ensure infrastructure delivery.

7.7.5 In this way, the Neighbourhood Plan would be able to develop detailed allocations within the context of the NPPF and Local Plan.

Inspector's Question 7.8

Does all the employment land in Lenham need to be protected for employment use?

Council's Response:

7.8. 1 Policy DM21 is proposed to be classified as a strategic policy. This seeks the retention of B class uses on these sites recognising their continuing suitability for meeting business needs over the timeframe of the Plan (see SUB 003, paragraphs 55 – 59). Policy DM21 does indicate that mixed use proposals incorporating an element of non B class uses may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business and where the overall employment capacity of the site is maintained. This could allow part of the Lenham Storage or Marley Employment Development Areas to come forward for housing development should the sites become available. Neither site has been submitted for housing development through the numerous calls for housing sites, and discussions by the Neighbourhood Plan Group appear to indicate that there are no plans for either company to move from the area in the next 10-15 years. It is the Borough Council's position that these sites are not currently available as sites capable of being allocated for housing development.

Inspector's Question 7.9

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

Council's Response:

7.9.1 The planning permission for 82 dwellings on the land West of Ham Lane (14/502973/FULL) is located within the Lenham broad location for housing sites and should therefore be considered as part of the Broad Location figure of 1500 dwellings. In addition, as Lenham is more widely considered as a broad location, the 65 net dwellings on the Goods Yard site (14/500219/OUT) will also deliver a contribution towards the housing requirement for 1,500 dwellings.

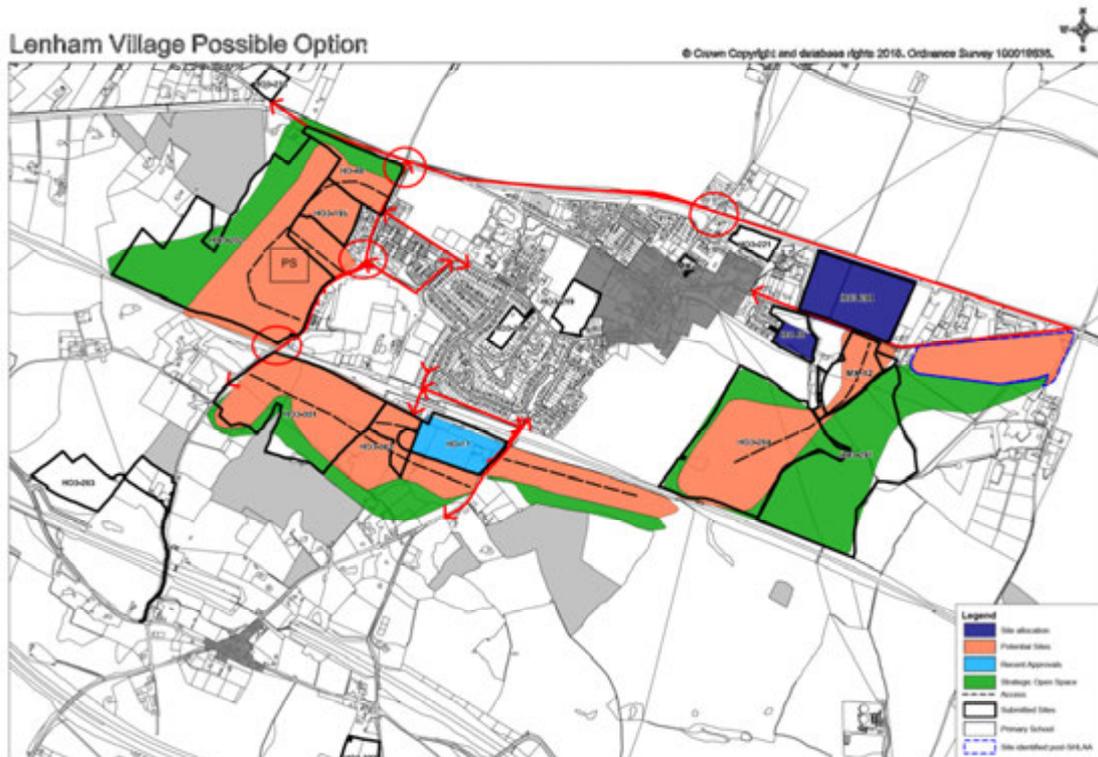
Inspector's Question 7.10

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

Council's Response:

7.10.1 The Borough Council is aware that there is concern that there may be insufficient flexibility in commencing the supply of housing in this broad location in order to achieve the necessary completions within the plan period. The sites can only be allocated through a development plan.

7.10.2 Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B)) illustrates these options in more detail alongside a potential alternative which has three locations to the east, west and south of the rural service centre. This too is based on sites submitted for development by the land owners during Calls for Sites (see plan below).



7.10.3 The Neighbourhood Plan is also seeking to make use of part of the Lenham Storage and Marley Employment Development Areas.

7.10.4 There remains a need to determine the optimal distribution of residential development, primary school, green infrastructure and appropriate transport measures as well as the programming of improvements to the sewage treatment works. The Council will continue to build on the Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B)) over the next few months with further analysis and masterplanning with local stakeholders (including the Parish Council; AONB Unit; Kent County Council (as highway and education authority) and landowners and developers).

7.10.5 The outcome of this work can feed into the Lenham Neighbourhood Plan produced by Lenham Parish Council. The Neighbourhood Plan would have the role of allocating appropriate sites and associated infrastructure. Alternatively, if this is not feasible and a Neighbourhood Plan is not made by the end of December 2017, the Borough Council would commit in a revised Local Development Scheme to the adoption of a Lenham DPD by December 2019. In this way, the key infrastructure requirement to improve the sewage treatment works could be incorporated into the next Review which has commenced and will be completed in 2019. That will provide the framework for Southern Water's investment decisions over the next five years and could specifically identify phased works at Lenham, or provide the basis for a subordinate document to undertake that work. This would have the effect of making housing sites available from 2019/20 and allowing a build period of over 11 years. Following the two planning appeals, the residual broad location requirement is approximately 1350 dwellings which would require a delivery rate of some 120 dwellings per annum in the period to 2031.

7.10.6 As delivery is not focused on a single area, there will be the opportunity for each of the areas to be developed independently of each other by different developers. This being the case it is considered feasible that 120 dwellings could be completed each year through the combined efforts of a number of developers. As 40% of the dwellings should be affordable housing, this should mean that less than 120 dwellings would need to be sold on the open market. Finally, differentiation between house types, sizes and tenures within wider developments can allow for higher absorption rates as purchasers consider different developments as almost separate entities, even if this is within one overall development. It is considered that the locations at the edge of Lenham would be highly marketable.

7.10.7 The Neighbourhood Plan and/or the DPD would therefore be made/ adopted prior to the Local Plan review. The Local Plan should be amended to make it explicit that specific sites within the Lenham Broad Location are to be allocated by means of a Neighbourhood Plan or a Lenham DPD (see response to 7.6 above).

Inspector's Question 7.11

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

Council's Response:

7.11.1 It should be noted that at 1 April 2016 109 dwellings had planning consent (excluding land West of Ham Lane and the Goods Yard site which were won on appeal).

7.11.2 Two smaller housing allocations abutting the settlement boundary (Policies H1(42) to H1(43)) will deliver some 165 dwellings outside the broad location provision but nevertheless in the earlier part of the plan period. For information, outline planning permission was granted for 8 dwellings on site H1 (43) – Land East Of Glebe Gardens, Old Ashford Road on 7 July 2016.

7.11.3 Planning permission has been granted on appeal for 82 net dwellings on the land West of Ham Lane (14/502973/FULL) and 65 net dwellings on the Goods Yard site (14/500219/OUT) which are likely to deliver a contribution towards the housing requirement for 1500 dwellings well in advance of 2026.

7.11.4 In total, 419 dwellings are already committed at Lenham (planning permissions for 264 dwellings and approximately 155 dwellings allocated in Policy H1(42)) on deliverable sites.

7.11.5 There remains a need to determine the optimal distribution of residential development, primary school, green infrastructure and appropriate transport measures as well as the programming of improvements to the sewage treatment works. The Council will continue to build on the Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B)) over the next few months with further analysis

and masterplanning with local stakeholders (including the Parish Council; AONB Unit; Kent County Council (as highway and education authority) and landowners and developers).

7.11.6 The outcome of this work can feed into the Lenham Neighbourhood Plan produced by Lenham Parish Council. The Neighbourhood Plan would have the role of allocating appropriate sites and associated infrastructure. Alternatively, if this is not feasible and a Neighbourhood Plan is not made by the end of December 2017, the Borough Council would commit in a revised Local Development Scheme to the adoption of a Lenham DPD by December 2019

7.11.7 The proposed amendments to the Local Plan should ensure a planning framework is in place by the end of 2019 to allow the necessary further development of release of further sites.

Inspector's Question 7.12

What is the status of the 'inset plan' on page 169?

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

Council's Response:

7.12.1(a) The Lenham broad location should be identified on the Local Plan key diagram (page 23 of the Local Plan). The inset map for Lenham Rural Service Centre (page 50 of the Local Plan) should make clear that the settlement boundary will be reviewed following the allocation of 1,500 dwellings and associated infrastructure. As a consequence, the inset plan for Policy H2(3) Lenham broad location is superfluous and the Council is proposing the deletion of the inset plan on page 169 of the Local Plan.

7.12.1(b) It is not appropriate to use an Ordnance Survey base map to illustrate the Lenham broad location, and the Council has proposed the deletion of the Policy H2(3) inset plan on page 169 of the Local Plan (see paragraph 7.12.1(a)). As a consequence, reference to the inset plan in Policy H2(3) should be deleted.

7.12.1(c) The Council has reviewed its position with regard to specific references in policies and supporting text to the delivery of 1,500 dwellings to the east and west of the settlement at the Lenham broad location. The precise boundaries of the site allocations which meet the needs of the broad location will be determined through the Neighbourhood Plan and/or a Lenham DPD. The Local Plan should remain flexible over the balance of where the development of 1,500 dwellings should take place, particularly given recent studies (reference documents STR 002 and TRA 033) and the need for further assessments before a master plan can be agreed. The Council is proposing the deletion of specified locational

references restricting development at Lenham broad location to the east and west of the settlement, but it is important to emphasise that such development should not be located within the Kent Downs AONB.

7.12.2 The following changes are proposed, superseding proposed change PC/60:

Reference	Proposed change	Reason
PC/86	<p>Amend the Key Diagram to show Lenham as a broad location in addition to its Rural Service Centre status, and reflect the change in the legend of the Key Diagram.</p> <p>This proposed change supersedes proposed change PC/60.</p>	To add clarity and consistency with Policies SP8 and H2(3), and the Lenham Rural Service Centre inset plan (page 50).
PC/87	Amend the Lenham Rural Service Centre inset plan (page 50) to make clear that the settlement boundary will be reviewed following the allocation of 1,500 dwellings and associated infrastructure.	To add clarity and consistency with Policies SP8 and H2(3) and the key diagram (page 23), and to maintain Local Plan flexibility.
PC/88	Delete Lenham broad location inset plan (page 169).	

Inspector’s Question 7.13

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

Council’s Response:

7.13.1 The NPPF contains no specific protection of the setting of the AONB, nor, unlike large scale development within the AONB, any in principle objection to larger scale development within the setting. Statute (including the Countryside and Rights of Way Act, 2000) requires local planning authorities to have regard to the purposes of the AONB. The primary purpose of AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Recreation is not an objective of designation but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

7.13.2 As set out in the NPPG (Landscape Paragraph: 004), the duty is relevant in considering development proposals that are situated outside AONB boundaries but which might have an impact on the setting of, and implementation of, the statutory purposes of

these protected areas. The Borough Council recognise that there should be sufficient mitigation accompanying any allocation within the setting of the AONB. The importance of the Kent Downs AONB setting is recognised in the AONB Management Plan 2014 – 2019, which includes policies to protect the AONB from inappropriate developments in its setting unless they can be satisfactorily mitigated.

7.13.3 The NPPF therefore draws a distinction between the principle of accommodating major development the AONB and the capacity of the setting of the AONB to do the same. The Borough Council does not consider that this distinction is appropriately reflected in Local Plan Policy SP17 and proposes to amend this policy (ED 025)

7.13.4 The identification of the Broad Location at Lenham has had regard to the setting of the AONB. The Local Plan recognises that the location of Lenham within the setting of the Kent Downs Area of Outstanding Natural Beauty makes this an area sensitive to change (Para 5.52).

7.13.5 In assessing the alternative options for the distribution of development, the Sustainability Appraisal states that there is likely to be a significant negative effect from each of the alternatives on the character of the landscape and countryside. For alternative H1 and H5 (19,600 dwellings) this involves significant development on the urban fringe and around numerous settlements across the Borough. For alternatives H2 and H4, this is largely attributed to the implications of a large new settlement on coalescence, whilst H3 would lead to substantial growth in Lenham within the setting of an AONB (Para 10.5.14).

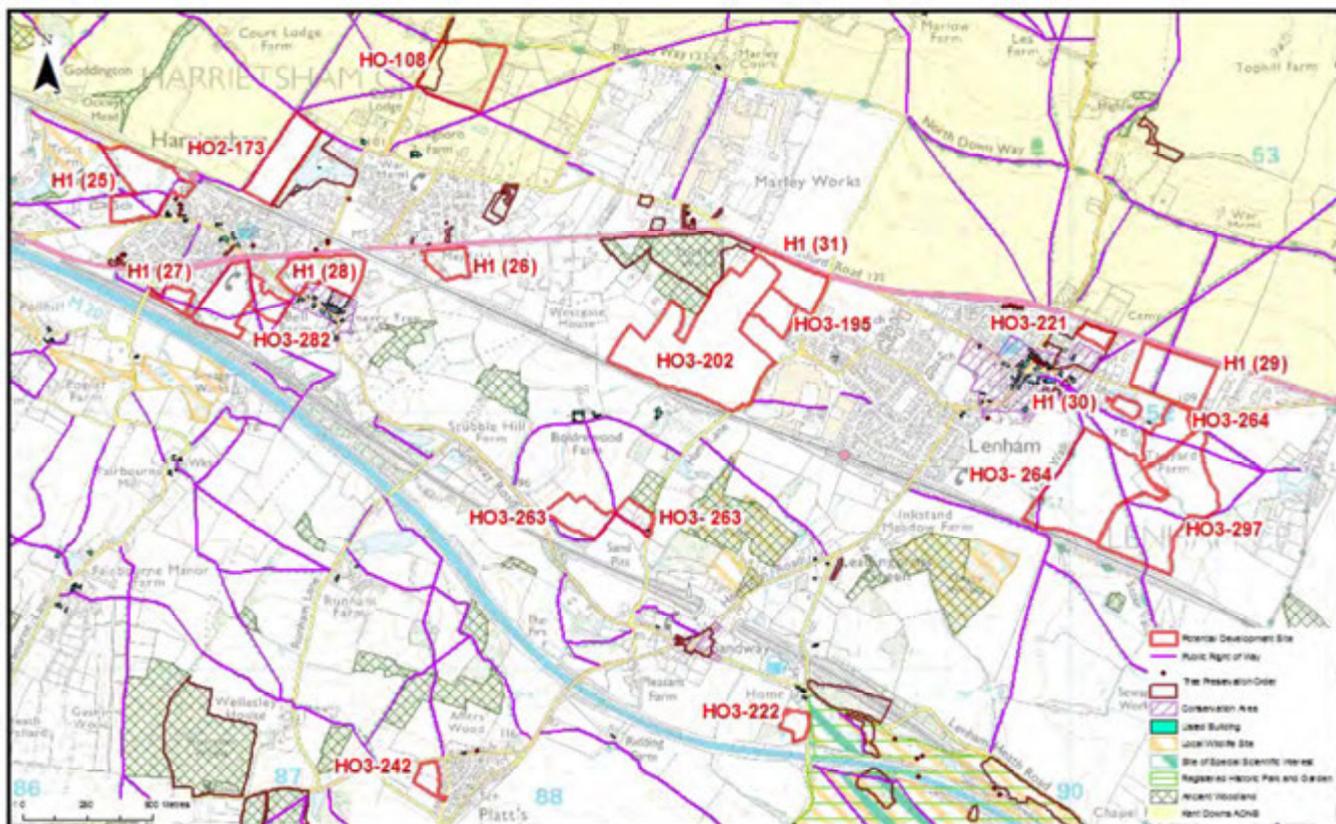
The Appraisal states that there are many similarities between H3 and H5, with the only difference being increased dispersal under H5 and the inclusion of a broad location for housing at Lenham under H3. Option H5 (which disperses the 1,500 dwellings between Rural Service Centres is predicted to have more negative effects on landscape across the borough, whilst H3 (which focuses 1,500 dwellings at a Broad Location at Lenham) would have more profound effects in Lenham.

7.13.6 Appendix V of the Sustainability Appraisal (SUB002(C)) states that there would be potential significant negative effects on the setting on the Kent Downs AONB, but there are areas of Lenham that are better related to / screened from the AONB so it ought to be possible to direct development to the less sensitive areas within a broad location. Impacts would need to be explored further and mitigation measures would need to be secured at development application stage.

7.13.7 The Borough Council have drawn on the general conclusion from the Sustainability Appraisal that designating Lenham as a Broad Location is the most sustainable alternative.

7.13.8 It is further proposed to make explicit reference to the AONB in Policy SP8(6) (PC/85).

7.13.9 The Maidstone Landscape Capacity Study: Site Assessments January 2015 (ENV014(B)) specifically assesses parcels of land around Lenham.



West of Lenham

7.13.10 To the west of Lenham, site H1(31) is shown in the Maidstone Landscape Capacity Study: Site Assessments January 2015 (ENV014(B)) to have Moderate Landscape Character Sensitivity; Moderate Visual Sensitivity and High Landscape Value.

7.13.11 In allowing the appeal into 82 dwellings on this site Land west of Ham Lane (Appeal Ref: APP/U2235/W/15/3131945) the Inspector concluded:

40. From key views to the north, the site forms part of a wider panorama including both open countryside and built forms such as Swadelands School and the residential developments in and around Ham Lane. In this wider context, I find the presence of houses would not appear as uncommon or incongruous features at the edge of the settlement.

41. I saw at my visit that the site and its surroundings would be visible adjacent to the settlement from various points along the PRW's to the north but the main views from within the AONB would, by virtue of their respective locations and accompanying distances, be limited and already include built forms in and around Lenham and the A20. Such views would be experienced at relatively short intervals and, in themselves, I do not find they would be so intrusive as to be inconsistent with the wider existing panoramas in and around the site.

42. Given the location and extent of the intervening SLA, and the absence of public views from within the appeal site, I find the direct contribution of the appeal site as part of the viewed foreground to the AONB to be limited.

7.13.12 The Old Ham Lane site (H03 -202) is shown in the Maidstone Landscape Capacity Study: Site Assessments January 2015 (ENV014(B)) to have the same sensitivity and landscape value as the appeal site.

7.13.13 The Loder Close site (HO3-195) is shown to have Moderate Landscape Character Sensitivity; Low Visual Sensitivity and Moderate Landscape Value and to be largely contained albeit with potential glimpses to and from the Kent Downs AONB.

East of Lenham

7.13.14 Sites HO3-264 South of Old Ashford Road and HO3-297 South of Old Ashford Road, east of Tanyards Farm are judged to have High Landscape Character Sensitivity; Moderate Visual Sensitivity and High Landscape Value.

South of Lenham

7.13.15 Sites close to Lenham have not been assessed. This is part of the additional information sought by the Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B)).

7.13.16 For each site the Maidstone Landscape Capacity Study: Site Assessments January 2015 (ENV014(B)) sets out a number of opportunities and constraints as well as mitigation measures. Many of these are common to each site such that they have a potential impact on the setting of and views from the Kent Downs AONB. Mitigation proposals include:

- Reflect the style, density, pattern and materials of adjacent properties
- Consider the relationship with the adjoining countryside
- Integrate green links along existing public rights of way to maintain attractive links between the village centre and the wider countryside
- Consider the development of a village framework to address cumulative effects with adjacent sites

7.13.17 The Local Plan accepts that there is more analysis to be done in assessing impacts and mitigation measures further before directing development to the less sensitive areas within the broad location (Para. 5.52).

7.13.18 Amendments to the Broad Location notation (PC/86; PC/87; PC/88 as per table in 7.12.2) allow greater flexibility over the eventual distribution of development.

7.13.19 Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B) begins to develop this. The Exploration of the 'Broad Location' highlights sensitive locations but states that *Many areas are hidden from view due to structural landscaping, or the topography (LNP, Jacobs 2015, AECOM 2016).*

7.13.20 In conclusion, the Borough Council has been acutely aware of the setting of the AONB in the identification of the Broad Location at Lenham. The sustainability appraisal illustrates this as one of the important factors in making the rounded appraisal of the suitability of the settlement as a broad location. The Landscape Capacity Study clearly identifies constraints but, as the appeal decision illustrates, these do not mean that development cannot be achieved. The Exploration of the 'Broad Location' has begun a process and there is further work to be undertaken including the extension of the Landscape Capacity Study to the south of the railway line and the development of a village framework to address cumulative effects with adjacent sites. Mitigation measures such as the careful siting and design of development and the quantity and location of green infrastructure need further development. All these matters should be undertaken before specific site allocations with carefully worded development guidelines are made within the Neighbourhood or Lenham DPD.

Inspector's Question 7.14

Has the identification of the Broad Location had sufficient regard to ground water drainage considerations?

Council's Response:

Ground Water Drainage

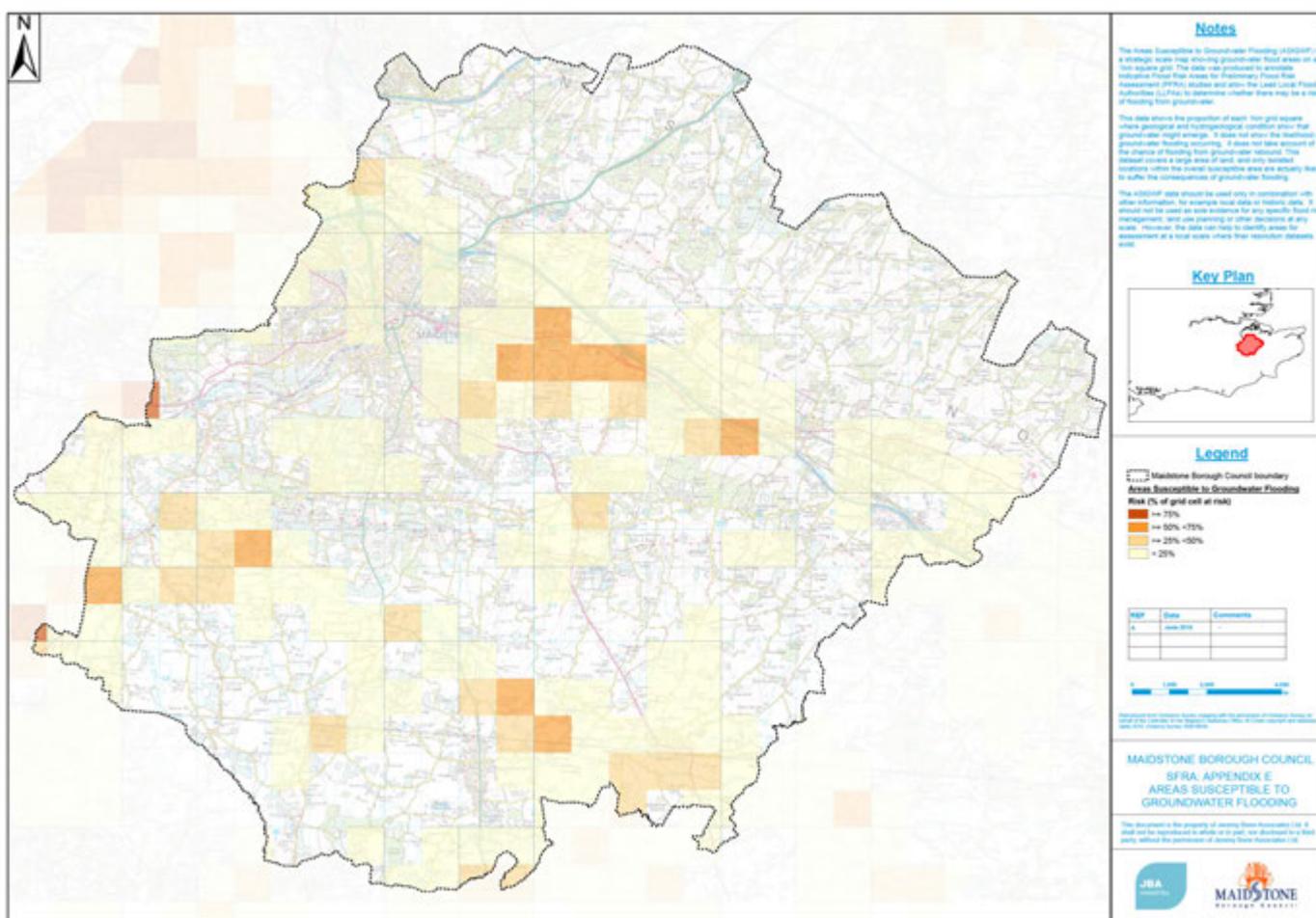
7.14.1 In assessing the availability of sufficient suitable sites at Lenham to comprise a broad location, an appraisal of flood risk was undertaken in consultation with the Environment Agency.

7.14.2 The SHEDLAA (HOU 007) indicates no objection to the large sites which are able to contribute to residential development at Lenham. For example, to the west, site HO3-202 - Land off Old Ham Lane, Lenham the EA commented that they had no objection to residential development but that the authority should be aware the site and Ham Lane suffered prolonged waterlogging following heavy rainfall during the winter of 2013/14. Similarly, to the east site HO3-264 - Land South of Ashford Road, Tanyard Farm, Lenham the EA commented that they had no objection to residential development but that the authority should be aware that the site is bisected by a watercourse which has given rise to localised flooding in the past. Development would have to achieve highly sustainable design that avoids the springs and streams at the headwaters of the River Stour. Significant areas of greenspace would be required to safeguard, and buffer these features to prevent deterioration and deliver mitigation measures and ecological gains.

7.14.3 The Council has now commissioned an update in the form of an addendum to the 2008 SFRA carried out by Mott MacDonald. The SFRA Addendum 2016 (CC 005) assesses the ground water drainage conditions around Lenham.

7.14.4 It states that the Great Stour flows from its source near Lenham in a southerly direction to the east of Lenham and is primarily an Ordinary Watercourse within Maidstone Borough and is therefore under riparian ownership. South of Lenham Heath the river becomes a designated Main River and flows along the Maidstone Borough boundary for approximately 0.35km before leaving the borough and flowing south towards Stonebridge Green.

7.14.5 As part of the SFRA Addendum, mapping of the whole borough has been provided showing the Areas Susceptible to Groundwater Flooding (AStGWF). The AStGWF is a strategic-scale map showing groundwater flood areas on a 1km square grid. The data was produced to annotate indicative Flood Risk Areas for Preliminary Flood Risk Assessment (PFRA) studies and allow the Lead Local Flood Authorities (LLFAs) to determine whether they may be at risk of flooding from groundwater.



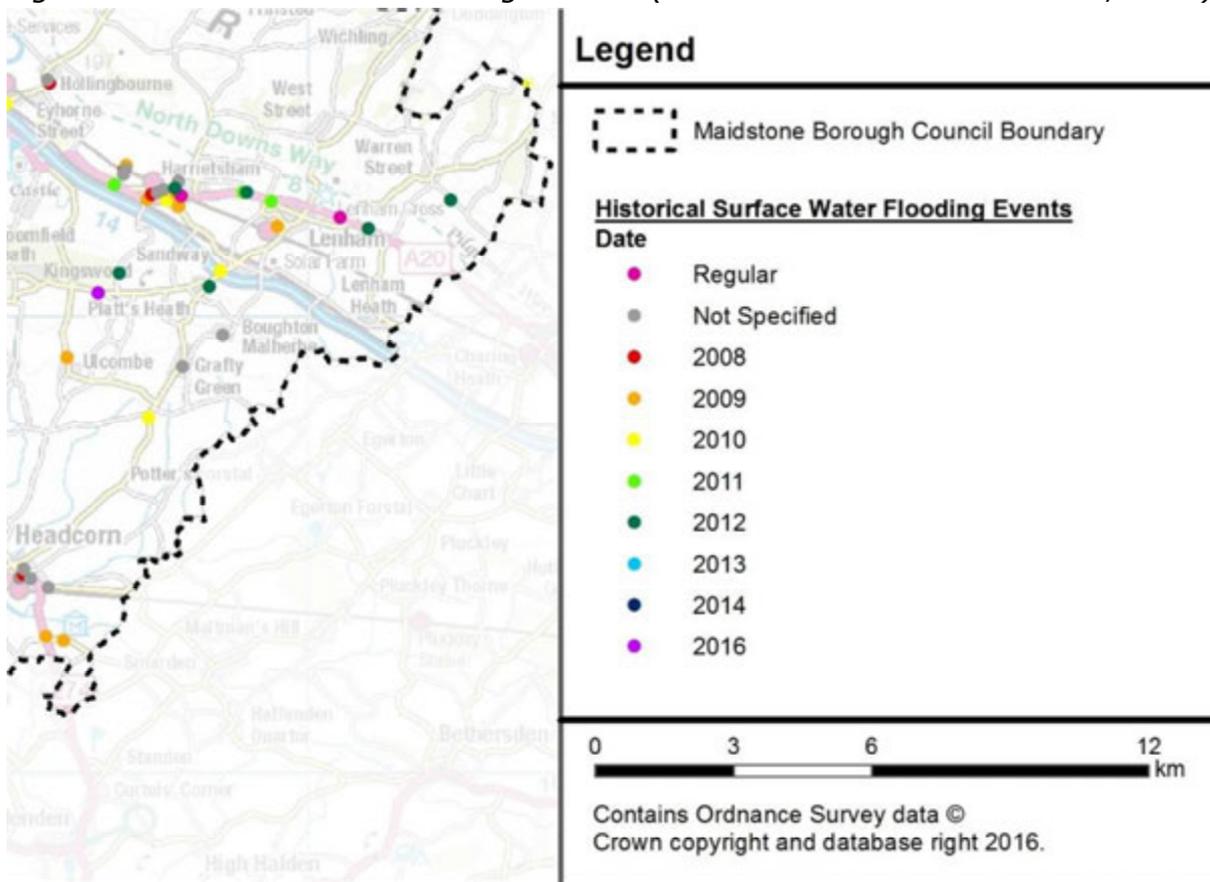
17.14.6 The data shows the proportion of each 1km grid square, where geological and hydrogeological conditions indicate that groundwater might emerge. The information indicates that the areas susceptible to groundwater flooding are primarily located in the

central and southern sections of the borough. For the most part, susceptibility to groundwater flooding is considered to be low as less than 25% of the area within the 1km grid squares are considered to be susceptible to groundwater flooding. The SFRA indicates that this dataset covers a large area of land and only isolated locations within the overall susceptible area are actually likely to suffer the consequences of groundwater flooding.

7.14.7 The AStGWF data should be used only in combination with other information, for example local or historical data. It should not be used as sole evidence for any specific flood risk management, land use planning or other decisions at any scale.

7.14.8 Historical records for Lenham show regular flooding in one location on the A20 to the east of the village and limited other isolated incidents. The SFRA Addendum 2016 states that it can be difficult to ascertain if a source of flooding is from groundwater. This is because the flood risk may be the result of a combination of sources, or a culverted watercourse that may have been mistaken for a spring or an underground stream.

Figure 3-2: Surface water flooding records (Extract from SFRA Addendum, 2016)



7.14.9 Indeed, the following incidents at Lenham depicted on the map above demonstrate the individual nature of the sources:

Pink record – Ashford Road

- o **Source:** SWMP data. The original source is Maidstone Borough Council.
- o **Date:** 'Regular' specified within the data supplied. No further information regarding date was provided.
- o **Type:** Surface water flooding
- o **Other information provided:** Insufficient soakaways in a verge caused flooding on the A20. The historic record does not specify property flooding.

Green record 1 – Ashford Road

- o **Source:** Kent County Council Flood History Information.
- o **Date:** 1st January 2012 (Note: the majority of dates provided KCC reference the first of the month. It is considered this may not be reflective of the actual flooding date, which is why information is only presented in years on the figure)
- o **Type:** Surface water flooding with blocked drain/gully
- o **Other information provided:** KCC were requested to remove floodwater, cleanse and jet any gullies as required to prevent further flooding. The historic record does not specify property flooding.

Green record 2 – Waterditch Lane

- o **Source:** Kent County Council Flood History Information.
- o **Date:** 1st January 2012. (Note: the majority of dates provided KCC reference the first of the month. It is considered this may not be reflective of the actual flooding date, which is why information is only presented in years on the figure)
- o **Type:** Surface water flooding with blocked drain/gully
- o **Other information provided:** KCC were requested to clear floodwater and cleanse gullies at this location.

7.14.20 Despite the low risk of groundwater flooding the SFRA advises that developers planning to build within groundwater emergence zones should still investigate whether groundwater flooding is likely to be a problem locally. The SFRA notes that although an area may be designated as susceptible to groundwater flooding, this does not mean that groundwater flooding will definitely be a problem within these areas, rather it provides an indication of the risk. Nonetheless, developers planning to build within groundwater emergence zones should still investigate whether groundwater flooding is likely to be a problem locally.

7.14.20 The SFRA Addendum also promotes the use of SuDs to prevent changes to surface water run-off.

7.14.21 The Local Plan states that the Water Cycle Study (CC 002; CC 003) indicates that a number of the rural service centre catchment areas have at least some known problems with surface water flooding and recognises that it is therefore important that surface water run-off from new development does not make this problem worse. The Plan emphasises that future developments in the rural service centres should include the implementation of sustainable drainage systems (SuDS) that reduce surface water run-off and ensure a detailed flood risk assessment is undertaken prior to any development (Para 5.47).

7.14.22 This statement is supported by Criterion 7 of Policy H2 (3) (Lenham broad location for housing growth) which states specifically:

7. Appropriate surface water and robust flood mitigation measures will be implemented where deemed necessary, subject to a flood risk assessment, incorporating sustainable urban drainage systems.

7.14.23 In conclusion, identification of the Broad Location at Lenham has had sufficient regard to ground water drainage and the Local Plan specifically highlights the need to consider the issue at the detailed planning stage.

Sewage Treatment Works

7.14.24 The Borough Council is well aware that there is limited capacity within the existing sewage treatment works at Lenham and has closely liaised with Southern Water over the need for future upgrades. It is intended that the treatment work improvements could be incorporated into the next Ofwat Review which has commenced and will be completed in 2019. That will provide the framework for Southern Water's investment decisions over the next five years and could specifically identify phased works at Lenham, or provide the basis for a subordinate document to undertake that work.

7.14.25 It is proposed to include further reference to sewage treatment works in Para 9.6 after final agreement on the precise wording from Southern Water.

Inspector's Question 7.15

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

Council's Response:

7.15.1 The Borough Council understands that this is primarily a question for the Representors.

7.15.2 The recent exploratory study (STR 002) was commissioned by the Borough Council to

further inform its broad location policy H2(3) in the submission Local Plan. The study considered a wide range of evidence including the Council's published SHEDLAA assessments, landscape related evidence studies (including the Landscape Character Assessment 2012 {ENV 001 - 003} The Agricultural Land Classification Study 2014 {ENV 005}, The Quality Audit {ENV007}, the Landscape Capacity Study 2015 {ENV 014}), highway and transport constraints (Lenham Road Transport Assessment 2016 {TRA 033}). To further inform the study a stakeholder event was organised, and attended by a wide range of infrastructure and service providers, the Neighbourhood Plan group and the Parish Council, local landowners and other identified stakeholders. Officers from the Council were in attendance and facilitated table discussions and activities, the results of which are included in Appendix A of the study.

7.15.3 The Borough Council is aware that there is still local objection to where substantial additional housing may best be achieved at Lenham. To date, the evidence collected by the Council illustrates that sufficient land is available to deliver the quantum of housing proposed along with the necessary supporting infrastructure. There is also an acknowledgement in the emerging Neighbourhood Plan of a need to provide a significant quantum of housing to meet the borough-wide objectively assessed housing need for the plan period, although the Council and the Neighbourhood Plan group are yet to reach a consensus on the most suitable locations for such development.

7.15.4 Officers will continue to engage in dialogue with the Neighbourhood Plan group with the aim of reaching an agreed position prior to the formal submission of the Neighbourhood Plan to attempt to ensure that it is in general conformity with the strategic policies of the Local Plan and takes into account the NPPF.

7.15.5 The Council understands that there may be objections to the content of the study from local residents, other stakeholders and from the Parish Council and Neighbourhood Plan group. The purpose of the study was to provide illustrative options for consideration and to evidence the availability of land to provide the quantum of housing and infrastructure set out in Policy H2(3) rather than to conclude a masterplan for the future development of the area. Indeed, the study sets out more than one option for achieving the strategic housing provision and further examination of options is considered to be vital prior to making detailed allocations. This would be a matter for further detailed joint working in the future.

Inspector's Question 7.16

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

Council's Response:

7.16.1 A reduction of development at Lenham would lead to the need to identify equivalent alternative housing development elsewhere in the Plan area.

Inspector's Question 7.17

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

Council's Response:

7.17.1 The Borough Council is aware that ground water conditions need to be taken into account in the detailed layouts of sites at Lenham. The SHEDLAA (HOU 007) indicates no objection to the site allocated at Tanyard Farm (Policy H1(42)) from the Environment Agency but states that surface runoff should be managed using sustainable drainage techniques, with discharge restricted to no more than runoff from the existing site following the critical rainfall events for a range of return periods, up to an including the 100yr event. An allowance for climate change should also be included the drainage design. This mitigation is reflected in Criterion 7 of Policy H2 (3) (Lenham broad location for housing growth) which states specifically:

7. Appropriate surface water and robust flood mitigation measures will be implemented where deemed necessary, subject to a flood risk assessment, incorporating sustainable urban drainage systems.

7.17.2 The allocation in Policy H1(42) Tanyard Farm therefore already anticipates the need for appropriate surface water and robust flood mitigation measures and seeks substantial areas of landscaping within the site. Ground water drainage considerations are not therefore considered to materially affect the anticipated yield from this site of approximately 155 dwellings.

7.17.3 The park and walk suggestion contained in the Exploration of the 'Broad Location' Allocation at Lenham Village, May 2016 (STR 002; STR 002(A) and STR 002(B)) requires further analysis and consideration, particularly with the Parish Council. There is a need to assess the opportunities for improving sustainable transport options, including those serving the balance of development around the village. There is also a need to assess demand from outside the village in fulfilling its role as a Rural Service Centre. It is acknowledged that the centre of Lenham is environmentally constrained and that if further parking provision is to be made that this may need to be at the edge of centre of the village. However, there is no proposal for a park and walk site to be incorporated as part of the housing allocation at Policy H1(42) Tanyard Farm or within the Regulation 14 Neighbourhood Plan and there would therefore be no effect on the anticipated yield from this site.

Inspector's Question 7.18

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

Council's Response:

7.18.1 The argument was made during the appeal that site H1 (42) has a probable greater impact on the AONB as it is parallel to, as opposed to Ham Lane that is diagonally across from the AONB. There was a lot made in the appeal on the definition of AONB setting and the boundary on Ashford Road that appears to include the footpath on the north side. It was concluded that it was difficult to argue that Ham Lane was in the setting of the AONB. Putting the busy road and lorries to one side, site allocation H1 (42) could be considered to be more

part of the setting of the AONB, yet was still been assessed as being acceptable for housing in the submission Local Plan. Whilst the broad housing growth location is not yet in play, the Council consider the Ham Lane site to contribute this quantum rather than replacing any other housing allocations given the overarching need and housing targets. In that sense the Council does not think that the Inquiry has any implications for the H1 (42) allocation.

Inspector's Question 7.19

Would the Council please provide an update on the progress of the current planning application?

Council's Response:

7.19.1 The application at Glebe Gardens, Lenham, application reference 14/0174, is an outline application for the erection of 8 houses with access; all other matters are reserved for future consideration.

7.19.2 The application was considered at the Planning Committee meeting of 9 June 2016 where it was resolved that outline consent be granted subject to conditions and informatives as set out in the officers report and urgent updates, with the amendment of conditions 2 and 6 (set out below) and a further informative regarding the determination of reserved matters being reported to the Committee and not considered under delegated powers.

"Condition 2 (amended)

The details of reserved matters of layout and appearance submitted pursuant to condition 1 above shall include inter-alia;

(i) The provision of off-site amphibian and reptile receptor site with suitable levels of connectivity with the surrounding amphibian and reptile habitat;

(ii) The apportionment of housing and landscape provision as detailed on the approved illustrative Landscape Strategy plan number 2048/13/B/7B;

(iii) Full details of rooflines and roofscapes, streetscenes within the site and sections across the site; and

(iv) The incorporation of decentralised and renewable or low-carbon sources of energy.

Reason: No such details have been submitted, to ensure a high quality design for the development and to safeguard biodiversity assets.

Condition 6 (amended) to refer to reptiles and amphibians"

Inspector's Question 7.20

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

Council's Response:

7.20.1 For clarity, the Borough Council is proposing to restructure policies to clearly indicate Strategic Policies in a new Chapter 4. This reflects an amended position from that set out in responses to sessions 1 – 6, and is a result of detailed consideration of the Inspector’s letter to the Council dated 21 September 2016 (reference ED 011) and the Council’s response dated 30 September 2016 (reference ED 012). Policy SP7 is a strategic policy with which a neighbourhood plan should generally conform following the adoption of the Local Plan.

7.20.2 The NPPF (paragraph 2) states: “The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions”. The evidence base that supports the policies of the Local Plan has been prepared in accordance with the requirements of the NPPF and policies and proposals have been tested through sustainability appraisal. Neighbourhood plans should take into account up-to-date evidence.

Inspector’s Question 7.21

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

Council’s Response:

7.21.1 Policy SP7 is a strategic policy with which a neighbourhood plan should generally conform following the adoption of the Local Plan. The designation of Headcorn as a Rural Service Centre is based on a rigorous assessment of local services and facilities along with other factors such as accessibility and the potential for accommodating growth. The deletion or amendment of Policy SP7 would not accord with the settlement hierarchy set out in the spatial strategy, and would require further housing allocations to be made elsewhere in the borough to compensate for the loss of dwellings.

Inspector’s Question 7.22

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

Council’s Response:

7.22.1 The minimum open space figure identified at Policy SP7 (4) (iii) sets out the cumulative quantitative open space provision, as required in Headcorn’s site allocation Policies H1 (36), (37), (38), (39), (40) and (41). The detail of the open space requirements is contained within these policies and Policy SP7 (4) (iii) therefore serves to signpost to more specific policies elsewhere in the Local Plan.

7.22.2 Four of these sites received planning permission some time ago and, in these cases, the figures identified in the relevant H1 policy simply reflect the quantity of open space secured through the determination of planning permissions.

7.22.3 Of the sites which are yet to receive planning permission, H1 (40) is allocated for five dwellings and is therefore not expected to make a quantitative contribution to open space

provision. Open space requirements for H1 (39) have been calculated in accordance with Policy DM22 and the site allocation policy specifies a minimum quantity of open space to be provided as part of the development. The Policy also provides that, should the development generate a need in excess of the 1.18ha, the level additional provision is to be determined in accordance with Policy DM22.

7.22.4 Given that there is already reference to the specific site allocation policies within SP7, and that these policies provide the detail on how and where open space will be provided, it is not considered that further clarification or modification is required.

Inspector's Question 7.23

Is that requested modification necessary given that the matter has been addressed by the planning permission?

Council's Response:

7.23.1 The proposed change was included in the Appendix A: Schedule of proposed changes to the Maidstone Borough Local Plan 2016 (Document SUB 010, PC/32).

Inspector's Question 7.24

Is the H1(39) allocation for 55 dwellings sound?

Council's Response:

7.24.1 The site (Reference number HO2-174) has been assessed in the SHEDLAA as suitable, available and achievable.

7.24.2 The site has been assessed within the Sustainability Appraisal and is considered by the Borough Council to be a sustainable site for housing development.

7.24.3 The site makes a contribution to a strategy which seeks to meet objectively assessed need and complies with the policies in the NPPF.

Inspector's Question 7.25

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

Council's Response:

CLARIFICATION: At paragraph 3, the Inspector's Agenda refers to issue (vii) being "*whether Policy H1(46) Land S of the Parsonage, Goudhurst Road, Marden is unsound and requires modification*". Paragraph 3.2 then goes on to refer to representation R19490 and its suggestion for modification of Policy H1(46). The representation actually relates to Land to the South of The Parsonage which is **Policy H1(48)**, and the Council's response will be based

on this policy.

7.25.1 The proposed change to Policy H1(48) made under representation R19490 is to remove any reference to minimum landscape buffer dimensions being 15m under criterion 1, and 30m under criterion 2. This is considered to be a detailed point that does not relate to the Local Plan strategy and therefore does not affect the soundness of the policy or the Plan. The policy is sound and this request seeks an improvement that would be more appropriately dealt with through debate at the development management stage when MBC could assess whether a variation was warranted by the evidence. Nor does it preclude providing the 50 dwellings stated in the policy and achieving sustainable and high quality development at the site in line with the NPPF.

Inspector's Question 7.26

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

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

Council's response:

(a) & (b)

7.26.1 Following the Examiner's letter into the Staplehurst Neighbourhood Plan (ORD 026 (A)), the Council is proposing that the Lodge Road site be included as an allocation within the Maidstone Local Plan. The proposed policy and policies map was submitted to the Inspector in response to Question 5.1 (Session 5A) and is set out below once more. This policy would allocate part of the site for housing development with the remainder designated as an economic development area under policy DM21.

7.26.2 The proposed allocation would provide a link between housing site H1(49) to the west and the designated employment area to the east, and the proposed policy criterion specifically ensures integration/connectivity and a pedestrian/cycle link between the sites, which accords with the Examiner's comments at paragraph 4.60 (set out below), and is considered to ensure there would be no conflict with the Staplehurst Neighbourhood Plan.

7.26.3 In respect of employment land, with this proposed modification of the policies map plan, no modifications to policies DM20 or DM21 would be required. Policy DM21 which designates Lodge Road for 'B' class uses would allow for 'flexible Class B1 floorspace' as also suggested by the Examiner at paragraph 4.60. It is considered that an element of mixed residential use such as live-work units (as allowed under policy DM39) would be permissible as an exceptional mixed use development as allowed for under policy DM21, such that there would be no conflict with the Staplehurst Neighbourhood Plan.

Paragraph 4.60 of Examiner's Letter

"4.60 In my assessment, there is a realistic opportunity to provide a link between the Hen and Duckhurst Farm site and the Lodge Road area, and this would be of significant benefit for people travelling to/from the railway station. I also consider that it is realistic to consider that the land covered by Policy H6 does represent a good opportunity to secure a mixed-use development possibly with an emphasis on flexible Class B1 floorspace, suitable for start-up and small businesses. Accordingly, as it still allows for employment usage, I do not recommend any modifications to Policy H6 or its supporting text, which I consider to be satisfactory, and based upon a key objective of the Plan (Objective 12)."

Ref.	Proposed change	Reason
PC / 76	<p>Amend Policy H1 to add additional allocation to read:</p> <p><u>H1 (XXXX) – Land at Lodge Road, Staplehurst</u></p> <p><u>Land at Lodge Road as shown on the policies map, is allocated for development of approximately 90 dwellings at an average density of 30 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.</u></p> <p><u>Design and Layout</u></p> <ol style="list-style-type: none"> 1. <u>The eastern part of the site including the existing pond will be retained as a landscaped/ecological area and the integrity and connectivity of the existing framework of ponds, hedgerows and trees within and adjoining the site shall be retained and enhanced.</u> 2. <u>Retain and enhance hedges and trees along the boundaries of the site including the hedge/tree line which separates the site from employment land to the northeast and east.</u> 3. <u>The development shall integrate well with, and complement, any development on site H1(49) to the west and south and employment development to the northeast and east to ensure good connectivity and an appropriate relationship between the sites.</u> <p><u>Landscape/Ecology</u></p> <ol style="list-style-type: none"> 4. <u>The development proposals are designed to take into account the results of a landscape appraisal in accordance with the principles of current guidance.</u> 	<p>To update the housing land supply to reflect the Staplehurst Neighbourhood Plan.</p>

5. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.

6. The development proposals are designed to take into account the result of a phase 1 habitat survey and any species specific surveys that may as a result be recommended, together with any necessary mitigation/enhancement measures.

Access

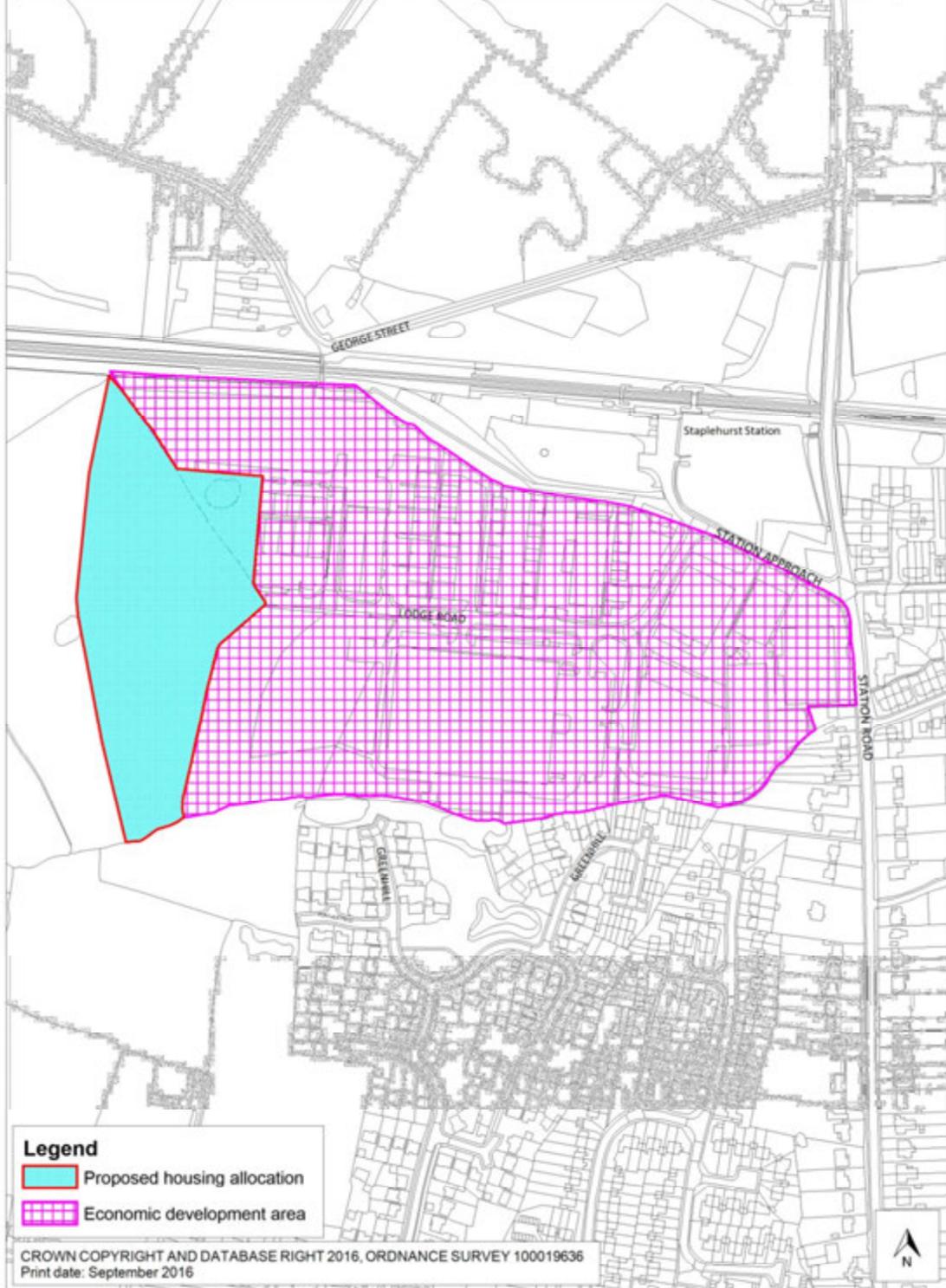
7. Vehicular access to the site shall be from Lodge Road.

8. The development shall provide a pedestrian/cycle path link to site H1(49) to the west and/or south, which shall run through the site to Lodge Road and also link to employment land to the northeast and east of the site.

Noise

9. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the railway line and existing and potential employment uses.

Proposed allocation - Land at Lodge Road, Staplehurst



Inspector's Question 7.27

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

Council's Response:

7.27.1 It is not anticipated that there will be a shortfall in housing delivery either in Staplehurst itself, or borough-wide.

7.27.2 The Neighbourhood Plan for Staplehurst allocates two large sites that are also included in the Local Plan, Fishers Farm, (H1(50)) and Hen and Duckhurst Farm (H1(49)). It also allocates Land at Lodge Road, which the Council has accepted and as a result has proposed changes to the submitted Local Plan in document SUB 020 (PC/ 76).

7.27.3 The Local Plan allocates a further site, North of Henhurst Farm, H1(51) which is not included in the Staplehurst Neighbourhood Plan. This site was a later addition in the preparation of the Local Plan, being the subject of consultation during October 2015, at which time the Neighbourhood Plan was already submitted to the Council for final consultation and thereafter examination.

7.27.4 The Council has enjoyed positive dialogue with the Parish Council in regard to the emergence of both plans, and does not therefore consider there to be a shortfall in supply that would materially affect the Local Plan. The level of housing provided for in the Local Plan is commensurate with its designation as a Rural Service Centre, and is reflected by allocations in the Neighbourhood Plan. It was the view of the Council that the Neighbourhood Plan made a sufficient contribution to the overall housing land supply position through the sites allocated within it.

Inspector's Question 7.28

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

Council's Response:

7.28.1 The justification for the settlement hierarchy is set out in the Local Plan and in the Spatial Strategy Topic Paper (Document SUB 007). Harrietsham has sufficient population and infrastructure to meet the criteria for a designated Rural Service Centre. Policies for allocated sites include criteria to mitigate the impact of new development, and conditions attached to planning permissions should ensure the provision of further infrastructure where required. The Council considers Harrietsham should remain a Rural Service Centre.

Inspector's Question 7.29

What are the current intentions of the parish council with regard to the preparation of any Neighbourhood Plan?

Council's Response:

7.29.1 Officers from the Council last met with Harrietsham Parish Council and Neighbourhood Plan group representatives in October 2015. At that time the Parish Council advised of some personnel changes within the Parish Council earlier in that year, and suggested there was some local dissatisfaction with the current draft of the Neighbourhood Plan.

7.29.2 The previously submitted version of the Neighbourhood Plan had been withdrawn in May 2015 by the Parish Council and a new approach was advised as being taken in progressing the plan, including a greater focus on design policies.

7.29.3 At the time of the meeting (October 2015) officers were advised that the likely completion date for the Neighbourhood Plan submission draft was January or February 2016, with formal submission likely to follow shortly thereafter.

7.29.4 As of 20 September 2016 the Council is yet to receive a formal submission of the Harrietsham Neighbourhood Plan and there had been no further contact in this regard from the Parish Council.

7.29.5 To try to provide a more detailed response to the Inspector's question and to ascertain whether further support was required by the Parish Council, officers have contacted the Parish Clerk seeking an updated position. The Clerk has confirmed that no further work is being undertaken on the Neighbourhood Plan at this time because of other priorities for the Parish Council, but that there may be some resumption in plan making in the longer-term. The Council has committed to continue to provide support and guidance should the Parish wish to further develop its Neighbourhood Plan in the future.

Review of the Local Plan

21.26 It is important to ensure that an up-to-date planning policy framework is maintained to help meet identified need and coordinate well planned development and supporting infrastructure.

21.27 The council is confident that the Local Plan can deliver the substantial growth required to meet objectively assessed need over the plan period. Existing planning consents and development interest and activity clearly demonstrate that substantial development will be delivered in the earlier parts of the plan period. Allocations in the local plan offer a degree of certainty to developers and a dispersed approach to site allocations allows a range of landowners and developers the opportunity to contribute to development in the borough. When considering proposals, the Borough Council takes a positive approach to sustainable development which reflects the NPPF. The local plan seeks a number of benefits from development but retains a flexible approach where it can be demonstrated that viability would hamper delivery.

~~21.29~~ 21.28 The council will monitor policies in the plan annually following its adoption using this framework. Monitoring of the key local plan targets will indicate if there is a need to amend the approach in parts of the plan. *If a Lenham Neighbourhood Plan is not made by the end of December 2017, the Borough Council would commit in a revised Local Development Scheme to the adoption of a Lenham Development Plan Document by December 2019.*

~~21.28~~ 2.29 Progress in delivery into the longer term will depend on a number of factors, including national and international economic and environmental factors. Similarly, the need for development and the planning policy context may shift as the longer term is reached.

21.30 For these reasons, the council considers it prudent to commence a review the plan, the Infrastructure Delivery Plan and its supporting evidence in a timely manner and a review of the local plan will commence ~~in~~ by 2022 [PC/58].

21.31 Matters which would trigger the consideration of a review of the local plan, or a partial review, at an earlier date include:

- *Changes to national planning policy which could significantly impact on the policies of the local plan; or*
- *Where it is accepted that a proportion of unmet needs from another local authority ought to be met by Maidstone Borough Council; or*
- *Where the output of updates to the Borough Council's evidence base would significantly impact on the policies of the local plan.*