

Session 10A –Yalding Representations and Similar Issues.

Inspector's Question 10.1

With what strategic local plan policies for housing and employment provision would a neighbourhood plan for Yalding need to generally conform?

Council's Response:

10.1.1 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 (ED011) and the Council's response dated 28 September (ED012). The plan would need to ensure general conformity with all relevant strategic policies.

10.1.2 The Council wishes to add that at this point in time, no application has yet been received from the Parish Council requesting designation of the area for the purposes of Neighbourhood Planning under the regulations¹ and so although some local scoping may have been undertaken, there is no legal basis for a Neighbourhood Plan for Yalding at present.

10.1.3 At such time as the Council receives such a request, it will be consulted upon and determined in accordance with both the regulations and the locally adopted Neighbourhood Planning Protocols.

10.1.4 In the event that a Yalding Neighbourhood Plan is prepared, a number of strategic policies for housing and employment provision would apply including Policies SS1; SP16; SP17 (as proposed to be amended – ED 025; H1(67); RMX(4).

10.1.5 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 10.2

Would MBC respond to the specific objections to the proposed H1(67) allocation and clarify where on Vicarage Road the footway is to be extended?

Council's Response:

10.2.1 To tie in with the road access to site H1(67), a footway is capable of being provided to the south of Vicarage Road within the boundary of the development site. The new footway can be connected to an existing footway which runs along the northern side of Vicarage Road

¹ Town and Country Planning (England) The Neighbourhood Planning (General) Regulations 2012 (as amended)

by the provision of a pedestrian crossing. The crossing will also act as a traffic calming measure.

10.2.2 Criteria 3 and 4 of Policy H1(67) will improve pedestrian/cycle access to existing amenities in the village, reducing the need to travel by car. The walk distance to the post office/shops to the south of the River Beult would be less than 700m from the centre of the allocation site via the improved footpath to the south, a walk time of less than 10 minutes. The primary school is located on Vicarage Road close to the development site.

Inspector's Question 10.3

Having regard to national policy, would the residual traffic impacts of the H1(67) development be 'severe' after mitigation?

Council's Response:

10.3.1 The Council does not consider the residual traffic impacts of development would be severe following the implementation of mitigation measures set out in Policy H1(67) (note paragraphs 10.2.1 and 10.2.2).

Inspector's Question 10.4

Is there scope to improve Hampstead Lane in association with new development and should that be a policy criterion?

Council's Response:

10.4.1 There is 7.5 tonne weight restriction to the east of Hampstead Lane at its junction with Lees Road. HGV traffic can access the A228 by travelling west along Hampstead Lane (B2162) and turning south onto Maidstone Road (B2015). Criteria (13) to (16) of Policy RMX1(4) seek safety and highway improvements in conjunction with development, including the provision of a right turn lane on Hampstead Lane at its junction with Maidstone Road, which will allow for a left turn lane onto Maidstone Road towards the A228. A further policy criterion is not considered necessary.

Inspector's Question 10.5

Would MBC please provide an update on progress on the flood risk issue?

Council's Response:

10.5.1 The Environment Agency's (EA) objection relates to the residential element of proposals for Syngenta, and there is no objection to employment use on the mixed use site RMX1 (4).

10.5.2 The Borough Council has liaised closely with the EA in respect of the preparation of the '*Level 1 Strategic Flood Risk Assessment – Addendum Report*', (CC 005) agreeing the brief before appointing consultants and receiving EA comments on the first draft of the Report

(June 2016). Engagement with the EA is continuing. The second draft of the 'Level 1 Strategic Flood Risk Assessment – Addendum Report' (October 2016) was forwarded to the EA for further comment before finalising and publishing.

10.5.3 An analysis of flood risk management approaches for Syngenta has been undertaken. The Assessment, which used an indicative site layout for Syngenta, concludes that further work will be required as part of a detailed planning application when a Level 2 SFRA will be required.

10.5.4 Following its review of this analysis, the EA maintains its objection to residential development as part of a mixed-use scheme for Syngenta on the grounds of flood risk.

10.5.5 Of note is that on 6 October 2016, Planning Committee granted an application for reserved matters on a small part of the Syngenta site to the north (15/507450/REM). The Environment Agency objected to the residential scheme for 16 dwellings, in summary citing no safe means of access and egress during flooding, displacement of floodwater, and risk to life or property (internal floor levels). The details of the reserved matters were in accordance with the outline permission and the accompanying FRA and an objection on flood risk could not be sustained.

Inspector's Question 10.6

Would the Syngenta allocation be consistent with national policy for flood risk in the National Planning Policy Framework?

Council's Response:

10.6.1 The SFRA report prepared by JBA Consulting (CC 005) has taken account of new flood risk modelling and changes to national policy. The analysis specifically for the Syngenta site is being finalised and will be added to the Inquiry documents but illustrates technical options could be available to mitigate further residential development at this site. There are a number of specific matters which cannot be resolved until detailed proposals are known. Specific points to consider relating to future analysis include:

- What shape, size and therefore obstruction, the development will take
- How much floodplain volume is lost due to implementation of aspects of the development (e.g. in the case of undercroft garaging – the columns, pillars and walls which would support the building above) and how this would be compensation on a level for level basis.
- Refining the modelling approach (e.g. model resolution, representation of elements of the scheme) and testing predicted impacts on flood risk for a larger number of events
- How safe access and egress at the site will be achieved and maintained for the lifetime of the development
- How surface water will be managed at the site, particularly given the high levels of fluvial flood risk predicted at the sites

10.6.2 The Borough Council has always been aware that there are challenges with developing this brownfield site but at this stage it will be for the promoter of the site and the Council with advice from EA to resolve these matters. It is for these reasons that the Council does not rely

on this site within the 5 year land supply.

Inspector's Question 10.7

Should the FRA conclude that suitable flood risk mitigation is not available, what would be the implications for:

- a) The viability and deliverability of redevelopment on the Syngenta site?
- b) The delivery of housing to meet strategic Local Plan targets?

Council's Response:

10.7.1 The analysis specifically for the Syngenta site is being finalised and will be added to the Inquiry documents but illustrates technical options could be available to mitigate further residential development at this site. There are a number of specific matters in relation to viability which cannot be resolved at this stage and there will need to be a balance between the number, size and tenure of new dwellings and the cost of technical solutions pursued.

10.7.2 If the site were to be deleted as an allocation from the Local Plan, the strategic land supply would be reduced by 200 dwellings. This is within the projected surplus of dwellings during the Plan period.

Inspector's Question 10.8

Would those Representors seeking changes to the wording of the DM policies please identify:

- a) Why that policy as worded may be unsound (e.g. because it may be ineffective as worded or inconsistent with a specified national policy)?
- b) What specific wording change is sought by the Representor?

Council's Response:

10.8.1 The Council understands this is primarily a question for Representors that are seeking specific changes to wording of the Development Management Policies. The Council believes the Development Management Policies to be sound and not to require the proposed amendments.

Inspector's Question 10.9

Do Representors have any comments on the contents of the Duty of Compliance Statement?

Council's Response:

10.9.1 The Council understands that this question is for the representors.

Inspector's Question 10.10

Are there any matters in the original Regulation 19 representations from those invited to Session 10A which they consider have not been addressed at other public hearing sessions?

Council's Response:

10.10.1 The Council considers that this question is primarily directed to Representors, including Yalding Parish Council, who submitted representations during the original Regulation 19 Local Plan consultation.