

9

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**

19th March 2017

Contents	Page
1.0 Introduction and Role of the Independent Examiner	3
2.0 Basic Conditions	5
Regard to the National Planning Policy Framework (NPPF) – Shared Vision	
HNP Housing Policies	
Affordable homes	
Water management and the risk of flooding	
Local Green Space	
Employment development	
3.0 Contribution to Sustainable Development and Conformity with the Strategic Policies for the local area	21
4.0 Public Consultation and The Consultation Statement	22
5.0 Conformity with European Union Obligations	23
6.0 Compatibility with human rights requirements	23
7.0 Summary	24
8.0 Recommendation	25

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 18th 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 8th 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 5th 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 20th 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 5,500m² 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 500m² 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 m² 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
19th 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 18th 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. 19th 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 HNDP4 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?¹

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

¹ 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 HNP9, 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 HNP11, 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 HN11, be granted planning permission?

Employment development

Q21. 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 5500m² of B1; B2 and B8 development. Would it be too prescriptive to limited development of individual units to no more than 500m² 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.

