



Intelligent Plans
and examinations

Report on Loose Neighbourhood Plan 2018 - 2031

An Examination undertaken for Maidstone Borough Council with the support of the Loose Parish Council on the June 2018 Submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Loose Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Loose Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is coterminous with the Parish boundary, as identified on the Map (Figure 1) at Page 2 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2018 to 2031; and
- the policies relate to the development and use of land for a designated Neighbourhood Plan Area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Loose Neighbourhood Plan 2018-2031

- 1.1 Loose is a predominantly rural parish within Maidstone Borough situated some 3 km to the south of the town of Maidstone. The Parish has a population of 2,277 persons, within 941 households (2011 Census). The village is situated near the half way point of the Loose Valley, with which it forms the Loose Valley Conservation Area. The Loose Stream which rises near Langley runs through the centre of the village and once supported a paper-making industry, evidence of which can still be found. An area around the village is also known as Loose, but Loose village itself is based in the Loose valley and extends along Busbridge Road towards Tovil.
- 1.2 The predominant land use in the Parish is agriculture, and the agricultural landscape provides the setting for the village of Loose. The village is largely situated along the A229 road, which runs north-south through the Parish and the village progressively grew along the A229 and along a network of roads leading from that road.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Maidstone Borough Council (MBC), with the agreement of the Parish Council.
- 1.4 I am a chartered town planner, with over 40 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the Local Plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.5 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;

- it does not include provisions and policies for 'excluded development';
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017¹.

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 At the date of this examination, the adopted Development Plan for this part of the Maidstone borough, not including documents relating to excluded minerals and waste development, is the Maidstone Borough Local Plan, which was adopted on 25 October 2017.
- 2.2 The Basic Conditions Statement (at pages 13 and 17-35) provides a full assessment of how each of the objectives and policies proposed in the Plan are in general conformity with the relevant strategic policies and a number of development management policies in the adopted Local Plan.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2018, replacing the previous 2012 NPPF, and a further revised NPPF was published in February 2019. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF (and subsequent 2019 version), which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Loose Neighbourhood Plan was submitted to MBC in July 2018, with Regulation 16 consultation taking place in November/December 2018. Thus, it is the policies in the 2012 NPPF that are applied to this examination and all references in this report are to the 2012 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Loose Neighbourhood Plan 2018-2031, dated June 2018;
 - the Neighbourhood Designation Map (dated 4 October 2013), which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement and Executive Summary, dated June 2018;
 - the Basic Conditions Statement, dated June 2018;

- the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report (dated August 2018) prepared by Maidstone Borough Council;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the requests for additional clarification sought in my letter of 7 January 2019 and the responses received on 25 January 2019 provided by the Parish Council and MBC.

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 25 January 2019 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination.

Supplementary Questions

2.7 Following my preliminary appraisal of the Plan and its supporting documents, I considered that I required additional clarification on matters relating to Policies LP1 (Views Across Village & Countryside) and LP5 (Designated Local Green Spaces) in the Plan. Accordingly, I wrote to Maidstone Borough Council and the qualifying body on 7 January 2019 (Ref. 01/DAS/LNP), raising two specific questions relating to those issues. MBC and the qualifying body provided responses to the questions on 25 January 2019. My letter and the responses to the two questions have been placed on the Parish Council's Neighbourhood Plan web-site. I have taken account of the information provided in the responses, and make relevant references to that information, where appropriate, in this report².

² View on the Parish and Borough Councils' websites:
<http://www.loosevillageinfo.wixsite.com/loose-nh-plan>
<http://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-information/tier-3-additional-areas/neighbourhood-plans>

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Parish Council, which is a qualifying body. An application to MBC for the Parish to be designated a neighbourhood planning area was made in February 2013 and was approved by the Council on 4 October 2013.
- 3.2 It is the only Neighbourhood Plan for Loose and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan does not specify with clarity the period to which it is to take effect. Only the end date, 2031, is clear and aligns with the adopted Maidstone Borough Local Plan. Given the start date is not specified, for the purposes of this examination I take the start date to be 2018, to align with the date of the Regulation 15 submission to MBC. I consider the Plan period (i.e. 2018-2031) should be stated on both the front cover of the Plan and in Section 1, to comply with Section 38B(1)(a) of the 2004 Act. I recommend **PM1** in order to effect this requirement.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Plan has been prepared in response to the Localism Act 2011. Work commenced on the preparation of the Plan in 2014 when a Neighbourhood Plan Steering Group was established comprising members of the community to assist the Parish Council in the production of the Plan. A variety of methods were used to communicate with the community and stakeholders during the Plan preparation period, commencing in May 2014 with an initial questionnaire consultation to all properties and businesses in the Parish. Various consultation events were held during 2014 and 2015, and evidence base studies were also prepared during 2015. Work on the preparation of the draft Plan continued during 2016, culminating in the Regulation 14 consultation which was held from 31 October 2016 to 13 December 2016. Regular updates to the Loose community were provided during 2015-2018 through the Parish Council website and the quarterly Parish newsletter, as well as at Parish Council meetings and

other community events. The Appendices to the Consultation Statement contain a record of the various consultation activities that took place.

- 3.5 The outcomes from the Regulation 14 consultation were assessed, and a number of minor amendments and changes were made to the draft Plan in response to representations received during that consultation period. Further supporting documents were prepared in June-August 2018 including the Basic Conditions Statement, the Consultation Statement, and the SEA Screening Report.
- 3.6 The Pre-Submission Neighbourhood Plan was formally submitted to MBC in July 2018. The submitted Plan was subject to further consultation in November/December 2018 under Regulation 16 and I take account of the 35 responses then received in writing this report, as well as the Consultation Statement. I am satisfied that the Plan has been prepared with an appropriate level of community engagement and consultation at the key stages during its preparation. The consultation process has been open and transparent, has met the legal requirements for procedural compliance and has had regard to the guidance in the PPG on plan preparation.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include any provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Basic Conditions Statement states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. From my assessment of the Plan, its accompanying evidence base studies and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for SEA by MBC on behalf of the Parish Council in August 2018. The Screening Report confirms that the Plan has been assessed against the Schedule 1 criteria contained in the SEA Regulations³ for determining the likely significance of the effects on the environment. It notes that the thematic-based policies in the Plan are in general conformity with higher level policies including the adopted Maidstone Borough Local Plan such that they are unlikely to have significant environmental effects. It further notes that the Plan supports the same housing site allocations as the Local Plan, and therefore accords with the Local Plan's approach to promoting sustainable development. The assessment notes that the Plan seeks to conserve and enhance environmental features, and also that there are not expected to be any significant trans-boundary effects.
- 4.2 The Plan has also been screened in accordance with the HRA screening tests in order to assess its likely effects on sites of European importance. The MBC area contains two sites of European importance. North Downs Woodlands to the north-west of the borough is a Special Area of Conservation (SAC) and Queendown Warren SAC lies on the northern border of the borough. New development being delivered in the borough over the next 20 years is likely to place additional pressure on these areas, particularly through increased recreational pressure on the North Downs Woodlands SAC. The HRA Screening Report (2016) accompanying the Regulation 19 Borough Local Plan concluded that the policies within the Local Plan can be screened out from further consideration both, alone and in combination with other projects or plans. Loose is located within the south of the Maidstone urban area and the limited additional population supported by the Neighbourhood Plan up to 2031 is therefore less likely to place recreational pressure on the two sites of European importance to the north and north-west of the borough.
- 4.3 The Screening Report concludes that the Plan is unlikely to have a significant effect on the environment or on designated sites, and therefore neither SEA nor HRA is required. Maidstone Borough Council, Natural England, Historic England and the Environment Agency have not raised any concerns on any matters concerning the SEA, or the need for HRA. On the basis of the information provided and my independent consideration of the Screening Report and the Plan, I am satisfied that the

³ The Environmental Assessment of Plans and Programmes Regulations 2004, which implement the requirements of the [European Directive 2001/42/EC](#), are commonly referred to as the 'SEA Regulations'.

Plan is compatible with EU obligations in respect of the SEA Regulations and the Habitats Directive.

Main Assessment

- 4.4 Having considered whether the Plan complies with various legal and procedural requirements it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.9 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.5 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 9 policies, which deal with Access and Movement, Landscape Protection and Design Quality. My consideration has primality focused on the Loose Neighbourhood Plan submission document; the Regulation 16 consultation responses; the supporting evidence base documents for the Plan; the responses to my letter of 7 January, 2019 and my site visit. I consider that overall, subject to the detailed modifications I recommend to specific policies below, that individually and collectively the policies will contribute to the achievement of sustainable patterns of development and meet the other Basic Conditions.
- 4.6 The Plan is addressing a Plan period from 2018 to 2031. Its policies seek to maintain and enhance the rural character of the Parish and its landscape features, whilst maintaining the quality of the built environment of Loose. The Plan's objectives are set out on pages 22-25, which provide the context for the policies in the Plan.
- 4.7 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*".
- 4.8 The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
- 4.9 The Vision and Policy Themes for Loose Parish up to 2031 are set out on pages 20/21 of the Plan. The planning policies are set out on pages 26-55, and I am satisfied that the key issues arising from the NPPF and the

strategic policies in the adopted Maidstone Borough Local Plan, as they affect Loose, are appropriately referenced where appropriate in the Plan and more fully in the Basic Conditions Statement (at pages 14-35). In particular, I also note that the Basic Conditions Statement (at pages 8/9) describes how the Plan has regard to national policy, and notably with the presumption in favour of sustainable development.

- 4.10 However, there are a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of MBC. Accordingly, I recommend modifications in this report in order to address these matters.

Access and Movement

- 4.11 Policies AM1 and AM2 in the Plan address matters concerning access and movement in the Parish, and with particular regard to the impact of traffic on the A229 road which runs north-south through the Parish. I have considered both of these policies in the context of national policy, the strategic policies of the adopted Local Plan and the representations received at the Regulation 16 consultation stage. I make detailed comments on each policy, as below.
- 4.12 Policy AM1 (Improve the Pedestrian Environment) – this policy seeks to secure improvements to the network of pedestrian routes within the Parish and is supported by a range of potential initiatives that are described more fully in paragraphs 5.2-5.27 that follow the policy, including specific locations for improvements shown on Figure 8. I have taken careful note of the representations that have been made concerning the policy. In particular, I concur with the views of Kent County Council as Highways Authority that the policy should also address improvements for cyclists and the cycle route network. This would accord with the County Council’s strategy for securing improvements to facilities and infrastructure for pedestrians and cyclists. The County Council make a number of suggested changes to the title, text and supporting justification for Policy AM1 and in the interest of achieving clarity I broadly agree with the majority of those amendments⁴. Accordingly, I recommend **PM2** as a modification to encompass those amendments.
- 4.13 I have also noted representations to the proposed improvements to the shared pedestrian-cycle route at Kirkdale referenced at paragraph 5.18 in the Plan. Whilst I do not recommend any modifications to the Plan, I can understand the point that, as an alternative, an extension of cycle route KB22 from North Loose to Kirkdale and on to Loose would seem to offer a potentially safer route for pedestrians and cyclists.

⁴ The Plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. See PPG Reference ID: 41-041-20140306.

- 4.14 Policy AM2 (Land adjacent to the Post Office at Old Loose Hill and Loose Road junction – “The Village Green”) – this policy seeks to secure public realm and traffic management improvements at the junction of Old Loose Hill and the A229 on land at or near the Village Green. Kent County Council make the comment that a reduction in the speed limit on the A229 through this area is unlikely to be achieved. However, I am satisfied that measures to slow traffic through the Village Green area are a valid policy objective, and I do not recommend any modifications to this policy and its supporting justification.

Landscape Protection

- 4.15 This section of the Plan contains five Policies (LP1-LP5) which seek to protect and enhance the landscape setting of Loose and its specific areas of landscape value. I address each of these policies as below.
- 4.16 Policy LP1 (Views Across Village and Countryside) - this policy seeks to protect eight key views across the Parish, which are illustrated by a plan at Figure 9 (page 38) and by photographs (pages 36/37). Upon my initial assessment of the Plan, I was concerned that clause 2) of the Policy refers to the Loose Road Character Area Assessment (2008). This is a Supplementary Planning Document (SPD) which pre-dates the preparation of the Neighbourhood Plan and also the preparation of the current adopted Maidstone Borough Local Plan. Therefore, I raised the matter as a preliminary question to MBC and the qualifying body, seeking in particular to understand how this SPD provides a context for the key views to be safeguarded by Policy LP1. The Borough Council responded by noting that, although still extant, the weight given to the SPD in development management decisions will now be limited by its age and requested that I give consideration to modifications to delete all references in the Plan to the SPD. I take the view that the SPD, by virtue of its age, does not provide robust and up to date evidence to support the Plan and its policies, and accordingly I do recommend that references in the Plan to the Loose Road Character Area Assessment SPD should be deleted. This affects Policies LP1, LP2, LP3 and paragraph 2.21, and accordingly I recommend **PM3** as a modification to delete such references.
- 4.17 I have considered the views to be protected by Policy LP1 and am satisfied that in each case the justification for such protection has been demonstrated, and I recommend no further modifications to this policy.
- 4.18 Policy LP2 (Area of Local Landscape Value) – this policy seeks to ensure that development proposals within the Loose Valley Area of Local Landscape Value (LLV) should have particular regard to the scenic quality and distinctive character of the area and should mitigate any impacts. As a minor point, I understand that the correct title for this policy designation is “Landscape of Local Value”, and I recommend as **PM4** that the title of this policy and the reference within the policy text be corrected

accordingly⁵. I have considered representations which have suggested that there are anomalies in the area covered by this LLV, with some land worthy of protection being omitted. In my view, this is a matter for MBC to address as part of its Local Plan Review, but I do consider that the Neighbourhood Plan should contain a map/figure (to be numbered Figure 10) linked to Policy LP2 which identifies the area of land within the Parish covered by the LLV designation (as presently shown on the Policies Map of the adopted Maidstone Borough Local Plan). I recommend **PM5** to address this point.

- 4.19 Policy LP3 (Design of Development in the Countryside) – this policy is in three parts and contains landscape design principles for development outside the built areas of Loose (part 1), for development within the built area of Loose (part 2) and to avoid coalescence with other nearby settlements (part 3). As such, it is a lengthy policy and in the interest of clarity I have considered whether the matters being addressed should be covered by three separate policies. The policy is linked to Figure 10, which illustrates well the areas covered by parts 1 and 2 of the policy. Therefore, on balance, I consider that the policy should not be divided.
- 4.20 I have also considered the various representations made in respect of this policy and its supporting justification. Kent County Council consider that paragraphs 6.22 and 6.23 should be clarified in respect of the Public Rights of Way Network and sustainable drainage systems respectively. I concur with those comments and recommend two modifications (**PM6** and **PM7**) to address amendments to those paragraphs. I have considered other suggested amendments proposed by the County Council but consider that the Plan contains sufficient guidance on the points covered.
- 4.21 I have further considered carefully the extent of the Plan area to be covered by part 2 of this policy and agree with those respondents who state that the built area of Loose as shown on Figure 10 should be aligned exactly with the boundary of the urban area shown on the Policies Map of the adopted Maidstone Borough Local Plan (2017). This will result in an area of land in the north-east of the Plan area, totalling around 5.25 hectares and accessed from Pickering Street and Boughton Lane, being removed from the built area and being covered instead by part 1 of the policy. I recommend **PM8** to address this amendment, which will ensure the Neighbourhood Plan is in general conformity with the strategic approach of the Local Plan. There is a similar situation affecting the gardens of three properties at the southern end of Valley Drive. These are also excluded from the urban area of as defined on the Policies Map of the adopted Local Plan but are presently shown as being covered by part 2 of Policy LP3. I consider that again, in the interests of general conformity with the Local Plan, the area covered by those garden areas

⁵ Modification to correct errors may be made under paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

should also be removed from the built area and be covered by part 1 of Policy LP3. Proposed modification **PM8** also addresses this matter.

- 4.22 Policy LP4 (Natural Environment in Loose) – this policy seeks to ensure that development proposals protect and enhance the natural environment across the Parish, and that proposals make provision for habitat and conservation habitats. Kent County Council make a number of comments regarding the wording of the policy and having taken account of those comments, I consider that some amendments are necessary to achieve clarity in the policy. I therefore recommend **PM9** to address those amendments.
- 4.23 Policy LP5 (Designated Local Green Spaces) – this policy seeks to designate twelve Local Green Spaces across the Plan area and is accompanied by Figure 11 (page 48) showing the location and extent of the spaces and photographs of each space on pages 49-51. Upon my initial assessment of the Plan, I was not satisfied that there was sufficiently robust evidence and justification to support the designation of a number of the proposed Local Green Spaces. Therefore, I raised the matter as a preliminary question to the Borough Council and the qualifying body, and invited the qualifying body to provide me with a note indicating, in more detail, the nature of each of the specific Local Green Spaces, its current usage by the community and its key attributes in terms of the justification necessary for designation as a Local Green Space under the criteria in paragraph 77 of the NPPF.
- 4.24 In response to my question, the qualifying body has provided me with a note and additional photographs containing further information, and I have taken full account of the additional information in assessing Policy LP5 and each of the proposed Local Green Spaces. I have also taken account of the representations made in respect of the policy. MBC raise specific concerns regarding LGS6 (Field to the rear of Herts Crescent and McAlpine Close), noting that the field is within the minerals safeguarding area contained in the adopted Kent Minerals and Waste Local Plan 2013-2030, and that the area is protected by a number of other policies and designations. Whilst I have noted that this field is used for various activities, such as dog walking, overall the evidence concerning the site does not in my view provide sufficient justification that it is demonstrably special to the local community. For example, no specific landscape features or wildlife habitats are identified which would support its designation.
- 4.25 Therefore, on balance, having considered the site, its current patterns of usage and the information supplied to me, it is my conclusion that site LGS6 does not meet the criteria for designation as a Local Green Space. I recommend **PM10** to delete site LGS6 from Policy LP5 and accompanying Figure 11.
- 4.26 I have considered each of the other proposed Local Green Spaces (LGS1-5/7-12) and am satisfied that there is sufficiently robust justification in

each case to support their designation as Local Green Spaces against the criteria in paragraph 77 of the NPPF, and accordingly I make no further recommended modifications in respect of LGS1-5/7-11.

- 4.27 Southern Water have made representations concerning Policy LP5, as it could represent a barrier to the installation of essential statutory utilities infrastructure. This situation is not unique to this particular Plan, nor just to the Local Green Space designation. Whilst I do not recommend any modifications to the text of Policy LP5, I do consider that an additional paragraph (to be numbered 6.46) should be added to the supporting justification for the policy to address the broad point that it may prove necessary to allow statutory infrastructure to be installed on land covered by the Local Green Space designation. However, this will not negate or override the need for statutory undertakers to also follow the normal course of direct negotiation with the relevant landowner(s). I therefore recommend **PM11** to address this matter.

Design Quality

- 4.28 This section of the Plan contains two Policies (DQ1 and DQ2) which seek to ensure that new developments take account of the local context and environment and use high quality materials and styles appropriate to the site and its location.
- 4.29 Policy DQ1 (Design Quality) – this policy sets out broad guidance on the design, form and detail of new developments in the Plan area. It is supported by Figure 12, which confirms that it applies to two sites (Refs: H1 (51) and H1 (55)) allocated for new housing within the Plan area in the adopted Maidstone Borough Local Plan. It is further supported by a Design Guide and Check-List at paragraphs 7.16-7.33. I have reviewed the policy and its supporting material, and my only recommended modification is that the text of the policy should, in the interests of clarity, contain a cross-reference to the Design Guide, and this is addressed by **PM12**.
- 4.30 Policy DQ2 (Protection and Enhancement of the Loose Conservation Area)- this policy specifically concerns proposed new developments in the Loose Valley Conservation Area, the extent of which is shown on Figure 13. My only comment on this policy and its supporting justification is that the title of the policy should be correctly "Protection and Enhancement of the Loose Valley Conservation Area", and this is addressed by **PM13**. I have considered a representation suggesting that there should be a future review of the boundaries of the Conservation Area, but this will be a matter for MBC to address if appropriate.

Other Matters

- 4.31 Figure 1 of the Plan at page 2 should also make it clear that this is the designated Neighbourhood Plan Area, as approved by MBC on 4 October 2013.

- 4.32 MBC has helpfully pointed out a number of minor errors within the Plan, which I list below:

Paragraph 2.15 – the Loose Valley Conservation Area does not extend into the neighbouring Parish of Boughton Monchelsea but abuts that Parish.

Paragraph 2.18 – the reference to the General Permitted Development Order 2011 should be replaced by The Town and Country Planning (General Permitted Development) (England) Order 2015.

Paragraph 4.5 – the reference to the National Planning Policy Framework should make it clear that this refers to the 2012 NPPF, against which the Plan has been examined.

- 4.33 In terms of assisting users of the Plan, I consider it would be clearer in paragraph 4.7, Objective 4, to update the phrase “carbon-neutral” to the now more commonly referenced term “plan for a low carbon future”⁶.

- 4.34 I recommend **PM14** to address these various matters.

Concluding Remarks

- 4.35 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Loose Neighbourhood Plan meets the Basic Conditions for neighbourhood plans. As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications, it should be re-checked for any typographical errors and any consequential paragraph re-numbering etc.

5. Conclusions

Summary

- 5.1 The Loose Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the supporting documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

⁶ Whilst not relevant to this examination, I note the 2018 and 2019 versions of the NPPF now also embrace this term.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Loose Neighbourhood Plan, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that the Loose Neighbourhood Plan is the product of much hard work since 2014 by the Parish Council, the Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the development of the Plan. There is no doubt in my view that the Plan reflects the aspirations and objectives of the Loose community for the future development of their community up to 2031. The output is a Plan which should help guide the Parish's development over that period in a positive way and it should inform good decision-making on planning applications by Maidstone Borough Council.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover and Section 1 of the Plan	Insert " 2018-2031 " as the Plan period for the Plan on the Front Cover and in Section 1.
PM2	Page 27	<p><u>Policy AM1 (Improve the Pedestrian Environment)</u></p> <p>Amend the title of the Policy to read "Improving the Environment for Pedestrians and Cyclists" (including the reference on the Contents page).</p> <p>Amend clause 1) of the Policy to read:</p> <p>"1) Seek improvements to the network of footpaths, footways and cycle routes throughout the Parish to ensure that they are safe, convenient and comfortable."</p> <p>Add reference to "improving the Public Rights of Way (PRoW) network" in paragraph 5.6.</p> <p>Amend and extend paragraph 5.12 to make specific reference to: "improvements to the PRoW network, and to Kent County Council's Rights of Way Improvement Plan 2018-2028 (ROWIP)."</p>
PM3	Pages 15, 35, 39 and 40	Delete references to the Loose Road Character Area Assessment (2008) contained in paragraphs 2.21 and Policies LP1 (clause 2), LP2 (clause 2) and LP3 (part of clause 2) respectively.
PM4	Page 39	Amend title of Policy LP2 and reference within clause 1) to read " Loose Valley Landscape of Local Value ".
PM5	Page 39	Add plan (to be linked to Policy LP2) and to be numbered Figure 10 showing the extent of land within the Plan area identified in the adopted Maidstone Borough Local Plan as being within the

		designated Loose Valley Landscape of Local Value. (Figures 10-13 in the Plan should be re-numbered as Figures 11-14 as a consequence of this modification).
PM6	Page 43	Paragraph 6.22 – add new second sentence to read: “Any development proposals which would adversely affect the existing Public Rights of Way network will not be permitted.”
PM7	Page 43	Paragraph 6.23 – add new second and third sentences to read: “New development should seek to include sustainable drainage systems within green infrastructure. Additional information is available in Kent County Council’s Drainage and Planning Policy Statement (June 2017).”
PM8	Page 42	<p>Figure 10 – Plan in support of Policy LP3</p> <p>Delete land in the north-eastern part of the Plan area, totalling around 5.25 hectares and accessed from Pickering Street and Boughton Lane, from the built area designated in part 2 of Policy LP3, and place this land within the area designated in part 1 of the policy.</p> <p>Delete land in the north-western part of the Plan area, comprising part of the gardens of three properties at the southern end of Valley Drive, from the built area designated in part 2 of Policy LP3, and place this land within the area designated in part 1 of the policy.</p> <p>This modification is to ensure the revised boundary of the built area of Loose is aligned exactly with the boundary of the urban area as shown on the Policies Map of the adopted Maidstone Borough Local Plan (2017).</p>
PM9	Page 45	<p><u>Policy LP4 (Natural Environment in Loose)</u></p> <p>Add second sentence to clause 1) of the</p>

		<p>policy to read: “New developments should be designed to take into account and to safeguard existing habitats within the site and its surrounding area.”</p> <p>Amend clause 2) of the policy to read: “Planning applications for development in the Plan area should include an ecological survey and a flood survey in order to inform the development proposals, and to identify any mitigation measures that may be necessary.”</p> <p>Delete the Footnote to the policy.</p> <p>Paragraph 6.40 – delete the words “large-scale” in the first sentence of the policy, and “small-scale” in the third sentence.</p>
PM10	Pages 46-51	<p><u>Policy LP5 (Designated Local Green Spaces)</u></p> <p>Delete LGS6 (Field to the rear of Herts Crescent and McAlpine Close) from the text of Policy LP5, the list of sites on page 47, from Figure 11 on page 48 and from the photographs on page 50.</p> <p>Re-number sites LGS7-11 to LGS6-10 respectively, and amend the listings in the Plan accordingly.</p>
PM11	Page 46	<p>Add new paragraph 6.46 to read:</p> <p>“If it proves necessary to install essential statutory utilities infrastructure, and no other feasible site is available, then the Parish Council will liaise with the utility providers to ensure that such infrastructure is provided with minimum impact upon the Local Green Space.”</p>
PM12	Page 53	<p><u>Policy DQ1 (Design Quality)</u></p> <p>Add new clause 3) to the text of the Policy to read:</p> <p>“3) Proposals for new developments</p>

		in the Plan area should take full account of the Design Guide criteria set out at paragraphs 7.16-7.33 in the Plan.”
PM13	Page 60	<p><u>Policy DQ2 (Protection and Enhancement of the Loose Conservation Area)</u></p> <p>Amend the title of this Policy to read:</p> <p>“Protection and Enhancement of the Loose Valley Conservation Area”.</p>
PM14	Pages 2, 14, 15, 21 and 22	<p>Figure 1 – Add text to clarify that this map shows the neighbourhood planning area designated by Maidstone Borough Council on 4 October 2013.</p> <p>Paragraph 2.15 – amend text to make it clear that the Loose Valley Conservation Area abuts the Parish of Boughton Monchelsea.</p> <p>Paragraph 2.18 - Delete reference to the General Permitted Development Order 2011 and replace with The Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>Paragraph 4.5 – add “2012” to the National Planning Policy Framework reference.</p> <p>Paragraph 4.7 - Objective 4 – delete “carbon-neutral” and replace with “plan for a low carbon future”.</p>