

MAIDSTONE BOROUGH COUNCIL LOCAL PLAN EXAMINATION

SESSION 7 RURAL SERVICE CENTRES

This statement is made by Mike Cockett (R19457) and supported by Lenham Parish Council (R19154).

Issue (iii) - What should be the respective roles of the Local Plan and the Neighbourhood Plan in the allocation of housing development?

Qn7.2 to Q7.13 inclusive

Qn7.2 Are Policies SP8 and H2(3) strategic policies with which the Neighbourhood Plan must generally conform should it be made after the adoption of the Local Plan?

“Policies produced in an NDP cannot block development that is already part of the local development plan (local plans). NDPs can, however, shape and influence where that development will go and what it will look like.

NDPs have to meet a number of conditions to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). The conditions are:

- 1. they must have regard to national planning policy;*
- 2. they must be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy); and*
- 3. they must be compatible with EU obligations and human rights requirements”*

*House of Commons, Briefing Paper Number 05838, 11 July 2016
‘Neighbourhood Planning’ by Louise Smith*

2. The question is put on the basis that the Neighbourhood Plan is not made until after the Maidstone Local Plan is adopted. As such, it must conform with Local Plan policies.

1. It is acknowledged that the Neighbourhood Plan (“NHP”) must generally conform to the Local Plan should it be adopted before the NHP. However while the NHP must accept the housing numbers laid down in an adopted Local Plan the NHP should be able to influence locations for development.

2. We would argue that the production of the Local Plan has ignored the work that the NHP has done with regard to local views, as to the capacity of Lenham for development and those locations which are to be preferred rather than those MBC has sought to impose through the Local Plan. We believe the Local Plan should take more heed of the NHP process and the work which has been done and the solutions which have been produced locally. Once the Local Plan has been adopted, the NHP does not have the ability to influence the numbers. The policy in the NPPF about giving “a powerful set of tools for local people to ensure that they get the right types of developments for their communities” is significantly undermined if the LPA has not given serious attention to the views of local people and the emerging NHP.

3. It is considered (reference **MAIDSTONE BOROUGH LOCAL PLAN - REGULATION 19 CONSULTATION 2016 - REPRESENTATION BY LENHAM NEIGHBOURHOOD PLAN GROUP** of 18th March 2016 “LNHP Representation) that Policies SP8 and H2(3) are not in line with National Planning Policies.

4. The Lenham NHP has collaborated with landowners in the parish in order to develop proposals that seek to place development in areas of available land in line with national policies and:

2.4.1 Favoured by the local community;

2.4.2 On less productive greenfield land;

2.4.3 Have much reduced impact on the setting of the AONB;

In addition, the Lenham NHP has sought to identify areas of developed land that may become available within the Local Plan period. The NHP will support sequential evaluation at the time of the first review of the local plan or

whenever the land becomes available thus supporting government policy of brownfield over greenfield sites.

Qn7.3 Should the Local Plan identify that specific sites in the Broad Location are to be allocated by means a review of the Local Plan?

3. It is not appropriate to identify sites through SPD after the local plan has been adopted. By the time of the review of the local plan the location of specific sites will be the responsibility of the adopted Lenham NHP. See section 8 of the LNHP Representation of 18 March 2016.

Qn7.4 When is the Review of the Local Plan anticipated?

4. At the latest 2022 but any release of significant brown field sites should trigger a review or consultation with Lenham parish.

Qn7.5 What would trigger the release of broad location land before 2026 and should that be more explicit in the Policy?

5. By associating the release of broad location land with 2026 -2013 MBC has presumably recognised that insufficient infrastructure exists to support the development of up to 1,500 dwellings in a village of currently 1,000 dwellings only. The draft Local Plan identifies conditions for the early release. To release Broad Location land (that is, land identified by MBC on the basis of availability) in advance of the development of appropriate infrastructure will only act to exacerbate the profound effects on Lenham that MBC itself identified in its Sustainability Analysis as “H2(3) would have more profound effects in Lenham”

Qn7.6 In the alternative, should housing sites be allocated in the Lenham Neighbourhood Plan instead of a Review of the Local Plan and would the Neighbourhood Plan be required to generally conform to the Local Plan’s strategic target for housing in Lenham?

6. If the Local Plan were to be found to be sound in regards to Lenham then it follows that the Neighbourhood Plan would be required to conform to the strategic target for housing numbers. However, given the amount of local knowledge and work which has gone into the NHP and the refusal by the LP to take seriously the concerns raised in the NHP and the specific issues with regard to Lenham’s capacity to take the 1500 (this has been reduced to take account of the recent

appeal decision) then it should fall to the NHP to identify appropriate housing locations.

Qn7.7 What if any other constraints do the Local Plan policies for Lenham place on the identification of development sites in the Neighbourhood Plan?

7. The Local Plan (see LNHP Representation of 18 March 2016) takes limited account of the constraints set out within its own Jacob's report or of the constraints identified with Lenham Neighbourhood Plan Landscape Study. As such the problem associated with the Local Plan is the lack of constraint with respect to landscape within the policies rather than the level of constraint.

The Local Plan does not refer specifically to the close proximity of the Kent Downs AONB to the north of the village or to the ancient woodland but would require ecological, arboriculture, landscape and visual assessments with detailed mitigation schemes.

Constraints with Plan policies that are considered unhelpful are:

- 1) Designation of employment sites when within these sites there may be areas of land that have been out of use for many years and with no prospect of being put to use. Furthermore it is not considered that the employment sites designated deliver significant employment for residents of the parish.
- 2) Lack of consideration of the profound effects on the AONB as detailed in the draft Local Plan Sustainability Study.
- 3) Lack of consideration of the feasibility of appropriate levels of waste water treatment
- 4) Lack of detailed consideration of infrastructure
- 5) The imprecise nature of the Broad Location as currently identified

Qn7.8 Does all the employment land in Lenham need to be protected for employment use?

8. The draft Local Plan envisages three existing employment sites as Economic Development Areas in order to maintain employment prospects in the locality (Policy DM21). It is not clear that Maidstone Borough has properly researched the extent to which these sites provide local employment. Work undertaken by the Economy Group of the Lenham Neighbourhood Plan Group suggests that the Marley Sites and the Lenham Storage site provided employment to a very small number of residents of the parish and so it is not clear that the protection of these sites serves significant purpose in delivering employment to those living in the locality.

	Employees			Where do employees live					Employees' transport					
	Full time	Part Time	Total	Village	Parish	O/S Parish	>10 miles away	No / Missing Answers	car	train	bus	cycle	walk	No / Missing Answers
Totals	1448	151	1599	197	56	151	1184	415	864	12	10	13	69	631

The consequence therefore of the type of employment offered at these sites is to increase vehicle and commuting into the parish with little obvious benefit to parishioners themselves.

It is noted that a very significant portion of the Marley Sites has not been in employment use for many years and that there is no prospect of that land coming into use in the future. It is not clear therefore why it is necessary to protect the entirety of this site.

It is noted further that the Lenham Storage site has developed into a significant and successful business. However, as a warehousing, distribution and packing business operating with large volumes of heavy goods vehicle movements that sits within the village envelope it is questionable whether it can continue to expand at its current location in a way that sits well with a rural village location. Long term viability as a distribution centre is currently hampered by the low level railway bridge across the A20 at Harrietsham and a detour of 28 miles via Ashford is necessary. This problem will increase as the size of freight vehicles rises in the future.

The work of the economy group revealed [467] businesses registered within the parish. It is clear that the major sources of employment for residents of the parish do not result from job opportunities on large employment sites but from the great many small businesses that operate from micro-sites throughout the parish.

It is therefore not considered necessary that all of the land designated as Economic Development Areas within the draft Local Plan needs to be protected as such.

Qn7.9 Should the planning permission for 82 dwellings on the land West of Ham Lane be considered as part of the Broad Location figure of 82 dwellings or as an addition to it?

9. The latest Housing Paper by MBC states that the 82 should be included in the 1500 and the LNHP has no reason to disagree with this.

Given the profound impact that the Broad Location will have on Lenham it is common sense to include all future permissions within the Broad Location total. Reference Policy H2(3) Lenham (see MBC Local Plan 10. Detailed policies for Broad Location for housing growth).

Qn7.10 Is it realistic to expect the remainder of the H2(3) Lenham Broad allocation for 1,500 dwellings to be delivered within a 5 year period (2026-2031) at an average rate of 300 dwellings each year?

10. MBC has at no time given an explanation for this delay of development in Lenham. We re-iterated our concerns about this delay.

10.1. Potential developers in the Lenham area have openly questioned whether Lenham could absorb, and whether developers would wish to construct at a rate that delivered, 300 houses in the parish per annum.

10.2. Our Neighbourhood Plan considers this delay as an opportunity to make use of employment sites (Document ORD28) which might be vacated by current occupiers in the time frame of 10 years.

10.3. This is in the context of government encouraging the use of brownfield sites and the Local Government proposals for the establishment of a brownfield sequential test to ensure development of brownfield is prioritised by developers and is consistent with the approach set out in the NPPF for flooding and town centre development.

10.4. Two of the employment sites in Lenham have limited development opportunities as employment sites as a consequence to planning issues in relation to the setting of the AONB.

Qn7.11 If not, should at least part of that allocation be allocated at an earlier date either by the Local Plan or the Neighbourhood Plan?

11. The NHP identifies different land for immediate release to the South of the railway.

The identified land is in line with national policy:-

- i. Landscape §109 NPPF, § 110 (not within sight of the AONB)
- ii. Wider benefits of ecosystem services § 109
- iii. Agricultural Land quality - poor quality land 3b and below
- iv. Planning for potential brownfield site use § 109 § 111

v. Heritage sites (NPPF 129) - no heritage sites in area

Qn7.12 What is the status of the ‘inset plan’ on page 169?

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

12. We await the revised diagram being made available by MBC as requested by the Inspector at the Legal and Procedure Session on 4th October 2016.

Qn7.13 Has the identification of the Broad Location had sufficient regard to the setting of the AONB and has this been addressed in the subsequent exploration work?

In Session 4 in answer to Issue (ii) of **2. Policies for Landscapes of Local Value and for the setting and separation of individual settlements**, we said:-

Concern: We are however concerned that this recognition of higher ranking order of national designation vs. local designation will in practice be undermined by the council's intention not to 'formally identify the setting of the Kent Downs AONB' (SP5.81) and to build on areas separated from the AONB only by the A20 contrary to the recommendations of the Jacobs report.

In fact we have seen little evidence based discussion regarding the identification of the Broad Location since it was first mooted in 2013. The Council commissioned a THIRD version of the Jacobs report, entitled “Capacity Study”, and then delayed its publication for months until Mike Cockett personally called and sent a series of emails to an officer who made repeated promises which were not kept. The report was finally published shortly after he had submitted a Freedom of Information Application on Tuesday, 14th July, 2015.

The evidence submitted in favour of the Broad Location is found on Page 18 to 21 of the document entitled *Exploration of the Broad Location at Lenham Village May 2016*. These matters were not debated at the one meeting held and the selective comments made are not evidence.

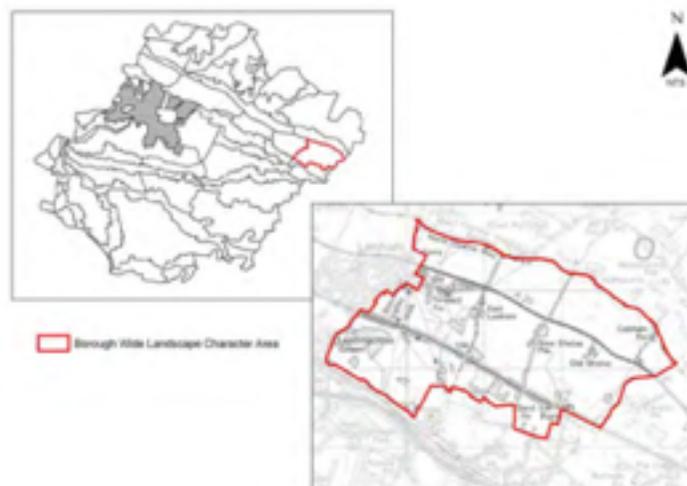
The statement on Page 6 of the report: *“It is based upon current Local Plan policies and standards”* may be correct *but “and draws upon the evidence base available at the time of preparation”* is clearly false since it makes no reference to the any of the three Jacobs reports.

The Jacobs reports deal with this topic in fine detail particularly in the case of the East Lenham Vale; none of which is quoted in the Local Plan nor in the report referred to above. Amongst its guidelines is the comment:-

The area is sensitive to change. Development should be limited to infill within the village boundaries.

The Local Plan contains extensions to the local boundaries which were not present at the time this version of The Jacobs Sensitivity Assessment was produced (Published in Jan 2015) shown over the next two pages:-

17. East Lenham Vale



Key Characteristics:

- Landscape to north of A20 is situated within the Kent Downs AONB
- Series of springs and drains run south towards the Great Stour
- Medium to large sized fields of arable and pasture
- Field boundaries and roads run against and along the contours
- Isolated farmsteads
- Railway line cuts through landscape with arched brick underpasses

Landscape Character Sensitivity: High

This is a unified landscape where the consistently undulating topography, frequent woodland blocks and hedgerow enclosed fields provide a coherent pattern of elements. There are few visual detractors, comprising sewerage works to the south (although this is not widely visible), and warehouses and a business park along the A20. There is a good hedgerow network, frequent woodland blocks and also a network of drainage ditches. Oxley Wood and pasture and ponds at Lenham Forstal are designated as Local Wildlife Sites. However, the significant amount of arable intensification means that the ecological integrity is moderate. The cultural integrity is variable. Whilst some trees are over mature and there are some gaps in hedgerows, the overriding condition of remaining hedgerows, woodland and the built environment is good. However, the setting of some historic farm buildings has been degraded slightly by large scale agricultural barns.

The location at the foot of the Downs, evidenced by the sweeping views of the elevated downland to the north, is a distinctive feature. The field pattern, hedgerow network, woodland blocks and vernacular style farmhouses are very characteristic and contribute both to local distinctiveness and continuity.

Visual Sensitivity: High

Overall, visibility is high in this location at the foot of the Downs. Whilst immediate views are often enclosed by intervening vegetation, there are striking long distance views of the North Downs.

The population is concentrated within the hamlet of East Lenham, with few properties and farmsteads in the wider landscape. This means there are low numbers of people in residential properties with views of the landscape. The eastern edge of Lenham abuts

17. East Lenham Vale

the character area which may increase the number of visual receptors slightly.

There are well used recreational footpaths including the Stour Valley Walk and North Downs Way as well as promoted Long Distance Paths so that numbers of walkers viewing the landscape will be relatively high.

Overall Landscape Sensitivity: High

Landscape Character Sensitivity	high	Moderate	High	High
	Moderate	Low	Moderate	High
	Low	Low	Low	Moderate
		Low	Moderate	High
		Visual Sensitivity		

North of the A20, the landscape is situated within the Kent Downs AONB. The Kent Downs AONB is a nationally important designation which offers a high level of development constraint.

The area is **sensitive to change**. Development should be limited to infill within the village boundaries.

Guidelines:

- Consider the generic guidelines for the Gault Clay Vale in the Maidstone Landscape Character Assessment 2012
- Land management policies for the conservation, management and enhancement of this landscape are set out within the Kent Downs AONB Management Plan 2014 – 2019
- Consider the impact of development on views from and the setting of the Kent Downs AONB
- Conserve the undeveloped foreground and rural setting of the Kent Downs AONB
- Conserve and enhance hedgerows and tree belts and restore hedgerow boundaries where practicable
- Plant new oak standards in hedgerows to replace ageing specimens
- Conserve the traditional setting of historic buildings and Conservation Areas, and soften the impact of recent farm buildings through native planting
- Conserve the crisp boundary between Lenham's compact settlement and the surrounding rural area

We contend that the choice of Lenham as a Broad Location was a political choice driven in the first place by a shortage of planned housing in the period 2025 to 2031 rather than the result of an evidence based planning decision. The first attempt to get local farmers to put land forward for housing development was made in 2013 and was struck a blow by two significant local farmers who refused permission to develop their land.

We are led to this conclusion by the refusal until recently to consider many of the local objections and the studied refusal originally to cooperate with the Parish Council. This was followed by a period of refusal to consider land south of the railway which led to the lost Appeal relating to The Goods Yard at Lenham Station.

Many of the complaints we had voiced were belatedly incorporated into the Local Plan by way of handouts at the Hearing on 11th October which we welcome as instruction to developers to carry out investigatory work, but no new evidence was presented.

No exploration work which merits destruction of the views both towards and from The Cross, (shortly to become a listed Heritage Memorial) the Pilgrims Way and the SSI viewing point has been presented.

Mitigation of the damage by planting trees in the foreground of the East Lenham Vale would hide the very features which are extolled in the Jacobs Report. In particular the “**Visual Sensitivity: High**” comment which reads:-

Overall, visibility is high in this location at the foot of the Downs. Whilst immediate views are often enclosed by intervening vegetation, there are striking long distance views of the North Downs.

And the section headed **Guidelines** which includes:-

- **Conserve the undeveloped foreground and rural setting of the Kent Downs AONB**

and

- **Conserve the crisp boundary between Lenham's compact settlement and the surrounding rural area.**

18th October 2016