

Maidstone Borough Local Plan Examination Session 4: Environmental Constraints – Response by Headcorn Parish Council, September 2016

- 1) Headcorn Parish Council is the elected body that represents the residents of Headcorn Parish. Headcorn Parish is a designated Neighbourhood Plan Area, and Maidstone Borough Council has assigned it Rural Service Centre status. The views expressed in this consultation response have been informed by the evidence gathered to underpin Headcorn's Neighbourhood Plan. Headcorn's Neighbourhood Plan is at an advanced stage, having completed its Regulation 16 Consultation on February 26, 2016 and is now at examination. Completion of the examination has been delayed, as the original examiner for Headcorn's Neighbourhood Plan was forced to withdraw, having lost her accreditation. Therefore, Headcorn's Neighbourhood Plan had to be sent to a second examiner, and the examination expected to be completed by the end of October 2016. Headcorn's Neighbourhood Plan enjoys considerable local support, with 93.9% of respondents for the Regulation 14 consultation supporting the draft Plan and similar support expressed at Regulation 16 Consultation. Therefore the views expressed in this consultation response about Headcorn's development should be seen as representative of the overall needs and priorities of the people and businesses within Headcorn Parish.

I. Mineral Safeguarding

- 2) Headcorn Parish Council does not intend to comment on this issue or Qn.4.1.

II. Policies for Landscapes of Local Value and for the setting and separation of individual settlements

Qn.4.2. What is the specific intention of SP17(7) and does it require additional justification?

- 3) Policy SP17(7) relates to the setting of and separation of individual settlements. Headcorn Parish Council considers that it is desirable for the character of individual settlements to be preserved. However, Headcorn Parish Council does not consider that the need for separation should be an overriding consideration where it would prevent development that would otherwise qualify as being very sustainable when judged using the definition of sustainability set out in the NPPF or Maidstone's Sustainability Appraisal. Headcorn Parish Council notes that London provides many examples (such as Putney and Richmond) of how areas can maintain their own distinct character while being part of a larger area. Headcorn Parish Council therefore considers that policy wording aiming to preserve the character of individual settlements would better meet the definition of soundness set out within the NPPF.
- 4) As stated in Headcorn Parish Council's Regulation 19 response on Policy SP17 (paragraph 161), the failure in Maidstone's emerging Local Plan to recognise that locations that are close to urban areas will be more sustainable than those further away is a major failing in the Local Plan. This failure means that the plan cannot

be considered sound, because of the inherent conflict with the definition of sustainability set out in the NPPF.

Qn.4.3. What if any development would Policy SP17 permit in the countryside which the previous Local Plan policies would not?

- 5) Headcorn Parish Council notes that Policy SP17 allows for tourism development, Gypsy and Traveller accommodation and Local Needs Housing. These types of development are not covered by the Policy ENV28 within the existing Development Plan. Headcorn Parish Council notes that policies on Local Needs Housing (H30) and Accommodation for Gypsies (H36) are not part of the saved policies in Maidstone's existing Development Plan.
- 6) Headcorn Parish Council notes that compared to Policy ENV34 in the existing Development Plan (covering special landscape areas including the Low Weald, of which Headcorn is part), Policy SP17(6) provides less protection under the change in designation to Landscapes of Local Value. Policy ENV34 sets out that priority will be given to the landscape over other planning considerations, while SP17(6) drops this prioritisation. Instead Policy SP17(6) simply states that the identified areas will be "conserved, maintained and enhanced *where appropriate*". Headcorn Parish Council considers that the use of wording "where appropriate" creates considerable discretion and that it should be dropped in the interests of ensuring that Policy SP17 conforms with the NPPF, particularly the policy on building in the countryside set out in paragraphs 54 and 55 and the core planning principles set out in paragraph 17 (bullets 5 and 7).
- 7) Headcorn Parish Council notes that the area between the historic hamlet of Hawkenbury and the River Beult SSSI, which are currently covered by the policy on Special Landscape Areas (ENV34), has been dropped from the area covered by the Low Weald Landscape of Local Value. Headcorn Parish Council considers that this is inappropriate.
- 8) Headcorn Parish Council notes that by excluding Rural Service Centres and larger villages from Policy SP17, these settlements are no longer covered by the restriction that development should be limited to minor development, as set out in Policy H27 of the Local Development Plan. Therefore the new policy will be more permissive of development than the previous Development Plan.

Qn.4.4. In the policy wording what is the effective difference between 'conserved' and 'maintained'?

- 9) Headcorn Parish Council notes that the relevant parts of the dictionary definition of conserve is to "preserve, keep from harm, decay or loss", while the definition of maintain is to "keep up, keep going, keep in repair, support". As such, the two have similar meaning, although Headcorn Parish Council considers that "conserve" has the benefit of explicitly including "keep from harm". As noted in Headcorn Parish Council's Regulation 19 response, the use of the word "protect" (which is defined as "keep safe, shield, secure") might be more effective than "conserve".

III. Policies for the Kent Downs AONB and its setting, the setting of the High Weald AONB, and the Metropolitan Green Belt

- 10) Headcorn Parish Council does not intend to comment on questions Qn4.5 to Qn. 4.11.

Qn.4.12. Are the landscape criteria for the countryside in Policy SP17 inconsistent with the landscape criteria of Policy DM3 which apply throughout the Borough and would that undermine the effectiveness of the policies?

- 11) Headcorn Parish Council considers that the landscape criteria in Policy SP17(5) and Policy SP17(6) relating to the AONB and Landscapes of Local Value would be more effective if they were included in Policy DM3. This would both avoid any inconsistency between the two policies, at the same time as ensuring that landscape criteria do not cease to apply at the edge of a settlement. Policy DM3 covers all developments, not just those in the countryside, and both the AONB and Landscapes of Local Value are in part shaped by the settlements within them, not just the wider countryside.
- 12) Similarly, an appropriately amended SP(7) would also be better located in Policy DM3.
- 13) Headcorn Parish Council therefore considers that incorporating the explicit requirements linked to landscape within Policy DM3 would ensure the consistency of policies in the Local Plan, both with themselves and with the NPPF. It will, however, be important not to simply drop Policy SP17(5) and SP17(6), because as currently worded Policy DM3 does not explicitly provide the necessary level of protection.

IV. Development on Greenfield Land and on Best and Most Versatile Agricultural Land

- 14) Questions Qn4.13 and Qn4.14 are for Maidstone Borough Council.

V. Policy for the Historic Environment

- 15) Headcorn Parish Council does not intend to comment on questions Qn4.15 – Qn4.18.

Qn.4.19. Does the Local Plan need a separate policy for the Historic Environment that would include the strategy for the conservation and enhancement of the historic environment sought by the Framework and Historic England?

- 16) Headcorn Parish Council considers that an effective policy regime to ensure that Maidstone Borough's historic environment is conserved and enhanced is important for the soundness of the Local Plan. However, Headcorn Parish Council considers that the soundness of the Local Plan needs to be judged by the effectiveness of the policy regime as a whole, not simply whether it has a

separate policy on each topic. Therefore any changes to the policy framework will need to reflect the important links between the natural and historic environment in many parts of Maidstone Borough.

- 17) Headcorn Parish Council notes that in the case of Headcorn's Neighbourhood Plan, during its Regulation 14 Consultation Historic England recommended the introduction of explicit mention of Headcorn's historic environment into the policy on protecting the natural environment, precisely for that reason. Recognising the benefits of this change, Policy HNP2 of Headcorn's Neighbourhood Plan is now HNP2: Protection of Headcorn's historic and natural environment.

Qn.4.20. Does the Local Plan clearly define its strategic policy on the historic environment to guide the preparation of Neighbourhood Plans?

- 18) Headcorn's Neighbourhood Plan is at an advanced stage. As such, changes in the Local Plan to facilitate the development of Neighbourhood Plans are unlikely to be of direct benefit to Headcorn. However, Headcorn Parish Council notes that the approach to policy development taken by Headcorn was in part determined by the lack of certainty around the Local Plan. To the extent that the Local Plan effectively recognises the importance and distinctiveness of the historic environment in different areas, then Neighbourhood Plans being developed in other areas may choose to rely on the Local Plan (once adopted).
- 19) However, what is important for the soundness of the Local Plan is that it does not employ a prescriptive approach to policies on the historic environment that would restrict the ability of Neighbourhood Plans to shape development in their area. The ability of Neighbourhood Plans to shape development is explicitly allowed in both the NPPF and PPG, indeed it is one of the main purposes of Neighbourhood Plans.
- 20) Ensuring that Neighbourhood Plans can operate as intended is complicated by timing issues, because the Development Plan for each area consists of both Neighbourhood Plans and the Local Plan and where they differ priority is given to the most recently adopted document. This is the reason why Headcorn Parish Council advised in its Regulation 19 response that in order to be judged sound in the sense of being consistent with the intention of NPPF policy on Neighbourhood Plans, various Local Plan policies needed to be reworded to acknowledge that priority should be given to Neighbourhood Plan policies where they exist. Headcorn Parish Council considers that Policy DM3 would also benefit from a change of this nature, to avoid location-specific Neighbourhood Plan policies being overridden by generic Borough-wide policies.
- 21) Having policies on the historic environment shaped by Neighbourhood Plans is fully compatible both with the NPPF and the protection of the historic environment. Headcorn Parish Council notes that Historic England was extremely supportive of Headcorn's Neighbourhood Plan in its consultation responses. For example, Historic England felt that "Policy HNP18 - Promoting the role of Headcorn High Street" provided a "sound basis for sustaining the value of the historic environment to the local character and distinctiveness of Headcorn by supplementing the Council's local plan policies".

Qn.4.21. Does the merger in Policy DM3 of the criteria for natural and historic environment lead to inconsistency with national policy for the historic environment in Section 12 of the Framework in relation to matters such as the significance of heritage assets, the distinction between substantial and less than substantial harm, and the appropriate balancing of harm and benefits?

- 22) As set out above, Headcorn Parish Council does not consider that the merger of the two policy issues *per se* would be incompatible with the NPPF. Indeed, there are advantages to linking the two, as the natural environment has an impact on heritage assets. The key question therefore is whether the policy covers the issues that it needs to.
- 23) Headcorn Parish Council notes that the requirements for setting the policy framework for heritage assets are given in paragraphs 126 to 127 of the NPPF, while those on determining planning applications are given in paragraphs 128 to 141. It is these latter paragraphs that set out how the significance of a historic asset should be judged and distinguish how to proceed in the case of substantial or less than substantial harm, as well as the appropriate approach to balancing harm and benefits. Headcorn Parish Council notes that the paragraphs 128 to 141 would not be overridden by the Local Plan, as they apply regardless of how policies in the Local Plan have been set.
- 24) However, one aspect that Maidstone's Local Plan does not address is that of Conservation Areas. The need to do this is set out in paragraph 127 of the NPPF. As such, Policy DM3 should be amended to ensure it recognises the importance of conservation areas and the existence and location of conservation areas within the Borough should be set out in a series of policy maps.
- 25) Headcorn Parish Council notes that it has received two alternative maps of Headcorn's Conservation Area from Maidstone Borough Council, suggesting that the Council is unclear what areas are covered by conservation areas in the Borough. Headcorn Parish Council considers that the appropriate boundary for the Conservation Area in Headcorn is given by the map provided by Maidstone Borough Council in the page for conservation areas on its website (see: http://www.maidstone.gov.uk/_data/assets/pdf_file/0008/19646/Headcorn.pdf). This is also the boundary for Headcorn's conservation area set out in Headcorn's Neighbourhood Plan (Figure 15). Headcorn Parish Council considers that any proposed changes to this boundary should be the subject of further consultation before the Local Plan is finalised.

Qn.4.22. Would the Council please respond to the specific Baltic Wharf representations in this regard?

- 26) Headcorn Parish Council is supportive of Baltic Wharf (Maidstone) Ltd's suggestion that policy DM3(ii) should also recognise the importance of avoiding the indirect adverse effects of development. However, it notes that the policy wording in the note on Session 4 has been changed to "an inappropriate" and should read "and inappropriate".

Qn.4.23. What if any further assessment of the impact of development proposals on heritage is needed?

27) Headcorn Parish Council does not wish to comment on this question.

Contact details

All queries on this consultation response should be addressed either to:

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Dr Driver is a member of the Headcorn Matters Neighbourhood Plan team and prepared this consultation response on behalf of Headcorn Parish Council, with support from the wider Headcorn Matters Neighbourhood Plan team.