

AGENDA

STRATEGIC SUSTAINABILITY TRANSPORTATION MEETING

PLANNING, AND COMMITTEE



Date: Tuesday 9 June 2015
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Burton (Chairman), English,
Mrs Gooch, Mrs Grigg, Harwood (Vice-
Chairman), Paine, Springett,
de Wiggondene and Mrs Wilson

Page No.

1. Apologies for absence
2. Urgent items
3. Notification of Visiting Members
4. Disclosures by Members and Officers

Continued Over/:

Issued on Date Not Specified

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

5.	Disclosures of Lobbying	
6.	Minutes of the meeting held on 26 May 2015	1 - 2
7.	Presentation of Petitions (if any)	
8.	Questions and answer session for members of the public	
9.	To consider whether any items should be taken in private because of the possible disclosure of exempt information	
10.	Reference from Planning Committee - A20 Highway Improvement Scheme - Harrietsham	3 - 46
11.	Report of the Head of Finance and Resources - Local Plan Sub Committee	47 - 50
12.	Report of the Head of Planning and Development - Maidstone Borough Local Plan Position Statement	51 - 62
13.	Report of the Head of Planning and Development - Maidstone Borough Local Plan: housing sites update	63 - 82
14.	Report of the Head of Planning and Development - Neighbourhood Planning Update	83 - 96
15.	Strategic Housing Market Update - Implications of 2012-based household projections	
16.	Notification of Substitute Members	

MAIDSTONE BOROUGH COUNCIL

Strategic Planning, Sustainability and Transportation Committee

MINUTES OF THE MEETING HELD ON TUESDAY 26 MAY 2015

Present: Councillors Burton, Chittenden, English, Mrs Gooch, Harwood, Paine, Ross, Springett and Mrs Wilson

Also Present: Councillors Ash, Black, Mrs Blackmore, Brice, Butler, Cox, Cuming, Daley, Ells, Fissenden, Fort, Garland, Hemsley, Mrs Hinder, Mrs Joy, McKay, McLoughlin, D Mortimer, Munford, Naghi, Newton, Mrs Parvin, Paterson, Pickett, Mrs Ring, Mrs Robertson, Round, Sargeant, Mrs Stockell, Webb and Webster

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Grigg and de Wiggondene.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Chittenden for Councillor Grigg;
Councillor Ross for Councillor de Wiggondene.

3. NOTIFICATION OF VISITING MEMBERS

The following Councillors were in attendance as observers:

Councillors Ash, Black, Blackmore, Brice, Butler Cox, Cuming, Daley, Ells, Fissenden, Fort, Garland, Joy, McKay, McLoughlin, Derek Mortimer, Munford, Naghi, Newton, Round, Sargeant, Stockell, Parvin, Ring, Robertson, Webb, Webster, Hemsley, Hinder, Paterson, Pickett.

4. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Burton is elected as the Chairman for the Municipal Year 2015/16.

5. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Harwood is elected as the Vice-Chairman for the Municipal Year 2015/16.

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING, SUSTAINABILITY

AND TRANSPORT COMMITTEE

9 JUNE 2015

REFERENCE FROM PLANNING COMMITTEE

1. A20 HIGHWAY IMPROVEMENT SCHEME - HARRIETSHAM

- 1.1 Application MA/14/0828 relating to the redevelopment of land to the south of Ashford Road, Harrietsham for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highway works to Ashford Road was considered by the Planning Committee in February 2015. The Committee gave delegated powers to the Head of Planning and Development to grant planning permission subject to the prior completion of a S106 legal agreement and conditions and informatives. One of these conditions related to the provision of traffic calming measures proportionate and directly related to the development prior to the occupation of the dwellings.
- 1.2 At the meeting of the Committee held on 28 May 2015, the Head of Planning and Development submitted a report seeking the agreement of Members to, inter alia, the amendment of the S106 contributions and the omission of the above-mentioned condition having regard to the coming into effect of S123 of the CIL Regulations (in particular in relation to the pooling of contributions) and the conclusion that the condition does not satisfy four of the six tests for conditions as set out in the National Planning Policy Guidance.
- 1.3 A copy of the report to the meeting of the Committee held on 28 May 2015 is attached as Appendix A to this reference together with copies of the urgent update reports circulated prior to and at the meeting.
- 1.4 At the meeting, the Development Manager explained that recognising Members' concerns to ensure the delivery of the A20 Highway Improvement Scheme in a timely fashion such that the growth of the southern part of the village is not compromised by conditions detrimental to the amenity and safety of future residents and to the amenity and character of the village as a whole, additional work, which Kent County Council had been party to, had been undertaken to establish a potential scheme of phasing of works corresponding with the likely coming forward of contributions as sites get built out. Details of the proposed phasing of the works are shown in the documentation attached as Appendix B.

- 1.5 The Committee agreed the recommendation set out in the report, as amended by the urgent update reports. However, wishing to receive further assurances in relation to the delivery of the highway works to coincide with the implementation of the development, the Committee also agreed to refer the issue to the Strategic Planning, Sustainability and Transport Committee together with a request that a formal meeting be arranged with Kent County Council Highway Officers and Transport Planners to achieve a satisfactory timetable. The Committee also recommended that representatives of Harrietsham Parish Council be invited to attend and participate in this meeting and suggested that the Strategic Planning, Sustainability and Transport Committee may consider it necessary to refer the matter to the Joint Transportation Board.
- 1.6 Outline application MA/13/1823 for the demolition of existing buildings and the erection of 49 dwellings and associated car parking and landscaping on land at Mayfield Nursery, Ashford Road, Harrietsham was considered by the Planning Committee in January 2015. The Committee gave delegated powers to the Head of Planning and Development to grant outline planning permission subject to the prior completion of a S106 legal agreement and conditions and informatives.
- 1.7 At the meeting of the Committee held on 28 May 2015, the Head of Planning and Development submitted a report seeking the agreement of Members to the amendment of the S106 contributions having regard to the coming into effect of S123 of the CIL Regulations. In agreeing the recommendations set out in the report as amended by the urgent update reports circulated prior to and at the meeting, the Committee reaffirmed the inclusion of an informative specifying that "the highway improvements to the A20 associated with the development shall include the provision of a pedestrian footway along the southern side of the highway linking the development with the existing bus stop and an uncontrolled crossing in the close vicinity of the existing bus stop." The Committee also agreed that the details and timing of the highway works associated with this development should be included in the referral to the Strategic Planning, Sustainability and Transport Committee regarding the proposed discussions with Kent County Council Highway Officers and Transport Planners as outlined in paragraph 1.5 above.
- 1.8 RECOMMENDED:**
- 1.8.1 That the Strategic Planning, Sustainability and Transport Committee consider the issue of the phasing of the A20 Highway Improvement Scheme at Harrietsham and requests that a formal meeting be arranged with Kent County Council**

Highway Officers and Transport Planners to achieve a satisfactory timetable to ensure that the works are delivered to coincide with the implementation of the development comprised in application MA/14/0828 and other developments coming forward along the A20 corridor.

- 1.8.2 That representatives of Harrietsham Parish Council be invited to attend and participate in this meeting and that the matter be referred to the Joint Transportation Board if necessary.**

REPORT SUMMARY

REFERENCE NO - 14/0828		
APPLICATION PROPOSAL		
The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.		
ADDRESS Land South Of Ashford Road Harrietsham Kent		
RECOMMENDATION Amend S106 contributions and remove condition as set out in report		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is at a sustainable location; immediately adjoins an existing settlement; is identified under policy H1 (26) in the emerging Local Plan as a housing allocation and complies with the criteria set out in the relevant policy; and would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE		
To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and to recommend that a condition imposed by Planning Committee be omitted from the decision.		
WARD Harrietsham And Lenham Ward	PARISH/TOWN Harrietsham	COUNCIL APPLICANT Ward Homes AGENT Bidwells
DECISION DUE DATE 20/08/14	PUBLICITY EXPIRY DATE 20/08/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- MA/14/0567 Request for a screening opinion as to whether the proposed development incorporating 117 dwellings and a food retail outlet of 300m² is development requiring an Environmental Impact Assessment- ENVIRONMENTAL STATEMENT NOT REQUIRED
- 59/0137/MK2 Outline application for residential development - REFUSED

MAIN REPORT

1.0 BACKGROUND

- 1.01 The current application seeks full planning permission for a mixed use development comprising the erection of 113/114 dwellings and a retail unit of 365m², together with associated landscaping, access, parking and open space, including provision of allotments and the potential provision of a fitted out 1 bed unit for community use by the Parish Council, subject to the agreement of Harrietsham Parish Council.

- 1.02 The site adjoins the southern boundary of the rural service centre of Harrietsham, and comprises a field formerly used as a depot in connection with the construction of the Channel Tunnel Rail Link high speed rail line.
- 1.02 The application was reported to the Planning Committee meeting held on 5th February 2015, and amended by a verbal update to Planning Committee at the meeting held on 26th February 2015. Members resolved to, subject to the receipt of any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH276 Public Right of Way, give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:
- *The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and*
 - *A contribution of £2,360.96 per ‘applicable’ house and £590.24 per ‘applicable’ flat towards the build costs of extending Harrietsham Primary School; and*
 - *A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the application site; and*
 - *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
 - *A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
 - *A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
 - *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*
 - *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and*
 - *A contribution of £200 towards the improvement and maintenance of public rights of way in the vicinity of the site; and*
 - *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*
- 1.03 The Committee report and urgent updates to the Committee report are attached as Appendix A to this report.
- 1.04 At the meeting Members resolved to impose an additional condition on the consent, minuted as follows:

“an additional condition in consultation with Kent Highway Services relating to the provision of traffic calming measures proportionate and directly related to the development prior to the occupation of the dwellings.”

2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

2.01 As Members will be aware, S123 of the CIL Regulations came into force on 6th April 2015. Prior to this date, all contributions subject to a S106 agreement were required under the terms of S122 of the CIL Regulations to be tested in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Subsequent to this date, S123 of the CIL Regulations additionally requires all contributions being sought by way of S106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations can contribute towards the funding or provision of a project or type of infrastructure. As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions.

2.02 In the circumstances of this case, the coming into force of S123 directly effects and changes the following elements of the Heads of Terms:

- *A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the application site; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
- *A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
- *A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
- *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*
- *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and*
- *A contribution of £200 per dwelling towards the improvement and maintenance of public rights of way in the vicinity of the site; and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*

2.03 Kent County Council has reassessed its requests in light of S123 of the CIL Regulations, and in particular in relation to the limitation on the pooling of contributions, and as a result it is no longer seeking a contribution towards adult

education or adult social services. In addition, the contribution towards library services has been reduced to £48.02 per dwelling, and it has been specified that this will be used to fund the mobile library serving Harrietsham.

- 2.04 Kent County Council have provided further details of the contributions sought towards primary education and youth services, and confirm that these requests satisfy the tests in relation to pooling set out in the CIL Regulations; these contributions therefore remain in place.
- 2.05 The relevant consultees have confirmed that the contributions sought in relation to public healthcare and public rights of way would be directed towards the improvement of The Glebe Medical Centre in Harrietsham and the public rights of way to the south of the A20 in the vicinity of Harrietsham (KH272, KH272A, KH276 and KH652) respectively, and fall within the five obligation limitation on pooling. Similarly, the Maidstone Borough Council Parks and Open Spaces Officer has confirmed that whilst the terms of the relevant contribution will remain unchanged in terms of the sums sought, and further detail has been provided in respect of the destination of the monies. In this case, in the event of on site provision of allotments the contributions sought would be £907.80 per unit, directed towards Glebe Fields for the improvement and replacement of outdoor sports facilities and areas of equipped play for children. In the event of the on site allotments not being provided, an additional £667.20 per unit would be payable, which would be directed towards Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.
- 2.05 In respect of the A20 improvement scheme, the cost of the evolving scheme is such that a contribution of £3,500 per dwelling in respect of the housing site allocations identified in the emerging Local Plan within and adjacent to the rural service centre of Harrietsham is required to secure delivery of the highway and public realm improvements that are sought in order to reconcile the north and south of the village and allow for the necessary safeguarding of the amenity of local residents in this regard. It is considered that this contribution meets the tests set out in the CIL Regulations.
- 2.06 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 2.03 – 2.06 above.

3.0 OTHER MATTERS

- 3.01 As set out above in paragraph 1.04, at the meeting Members resolved to attach an additional condition to the permission, which would seek to secure the provision of traffic calming measures “appropriate and proportionate” to the development associated with the A20 Improvement Scheme prior to the occupation of the dwellings.
- 3.02 The precise phrasing of the condition has been the subject of considerable discussion between officers, Mid Kent Legal Services and Kent County Council Highway Engineers. These discussions have concluded that the condition requested fails the tests for conditions as set out in National Planning Policy Guidance. I discuss the detail of the failure of the condition to satisfy four of the six tests below (the condition is considered to be relevant to planning and relevant to the development).

Necessity

- 3.03 The development would contribute towards the costs of the highways scheme at a pro rata rate of £3,500 per unit, consistent with other developments coming forward in the vicinity.
- 3.04 Given that provision has been made within the proposed S106 agreement for contributions towards the A20 Improvement Scheme and the delivery of the approved access for the development is subject to an implementation condition, to additionally require the elements of the scheme located in closest proximity to the site to be provided prior to occupation is considered to exceed what can be reasonably required in connection with the planning permission, particularly given that Kent Highways Services has raised no objection to the development on the grounds of highway safety.

Precision

- 3.05 Members were clear that the condition should only extend to what is “appropriate and reasonable” in relation to the development proposed. Unfortunately, it is extremely difficult to define what is “appropriate and reasonable” in the context of what would in fact be required by the condition, and to isolate elements that might be specific to road safety and the development under consideration.
- 3.06 This is due to the strategic scale of the A20 Improvement Scheme, and the fact that key elements of the traffic calming measures, such as the narrowing and realignment of the carriageway, extend over significant distances, as well as the interdependence of specific elements which would be very difficult to undertake separately (the realignment of the carriageway and the enlargement of the village green, for example). This difficulty is exacerbated by the absence of objection to the development from Kent Highway Services in respect of highway safety, which may otherwise have identified specific elements germane to the application site that could be set out in the wording of the condition.

Reasonable in all other respects

- 3.07 It has been agreed that the development would contribute towards the costs of the highways scheme at a pro rata rate of £3,500 per unit, consistent with other developments coming forward in the vicinity. Similar conditions have not been attached to these earlier applications, and as such it is unreasonable to go against this precedent in imposing the condition, particularly given the proximity of the development considered under the scope of MA/14/0095 (Land at Church Road).
- 3.08 Furthermore, the nature of the A20 Improvement Scheme, involving significant works to the public highway, is such that the responsibility for ensuring delivery of the scheme (the totality of which extends far beyond the zone “appropriate and proportionate” to the development currently under consideration) will ultimately rest with Kent County Council as the relevant Local Highway Authority, who will be collecting the monies in order for the scheme to be implemented. The applicant has no control over the progress of delivery, and it is therefore unreasonable to impose a condition which is beholden to the delivery of a scheme which is reliant not only on a third party, but also contributions from other developers coming forward in due course and also statutory obligations contained in legislation outwith the planning sphere imposed upon the Highways Authority.

Enforceability

3.09 The condition would be unenforceable as a result of the flaws set out above.

SUMMARY

3.10 For these reasons, it is recommended that the condition imposed by Members at the Planning Committee meeting of 5th February 2015 be struck from the recommendation.

3.11 However, notwithstanding the above recommendation, it is recognised that Members are concerned that the A20 Improvement Scheme is delivered in a timely fashion such that the growth of the southern part of the village is not compromised by conditions detrimental to the amenity and safety of future residents as well as the amenity of and character of the village as a whole.

3.12 To this end, additional work, which Kent County Council Highway Services has been party to, has been undertaken to establish a potential scheme of phasing of works corresponding with the likely coming forward of contributions as sites get built out. The works undertaken includes the identification of a central section of the A20 in Harrietsham in the location of the site, which could potentially be prioritised in terms of delivery of the overall scheme if necessary, and which has been designed to be delivered by way of the monies that would be secured in relation to MA/14/0828. Details of the proposed phasing are shown in the documentation attached to this report as Appendix B.

3.13 It is hoped that this will give Members and local residents sufficient surety that the A20 Improvements, and in particular those relating to the application site are achievable and deliverable.

4.0 RECOMMENDATION

4.01 The recommendation, as amended in respect of the Heads of Terms for contributions and the removal of additional condition 42, is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and*
- *A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the first phase of the 1FE expansion of Harrietsham Primary School; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham); and*
- *A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development and*
- *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms; and*

- *A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham.*
- *A contribution of £200 towards the improvement and maintenance of public rights of way to the south of the A20 in the vicinity of Harrietsham (namely KH272, KH272A, KH276 and KH652 (in no particular preferential order)); and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields OR a contribution of £1,575 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.*

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO THE IMPOSITION OF THE CONDITIONS SET OUT BELOW:

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of one year from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes and swift bricks into the fabric of the buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

(3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of the shop front to the retail unit.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

(4) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space unless screened by landscaping, and shall include, inter alia, the retention and where necessary reinforcement of boundary hedges to the site, gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs) and any physical mitigation required in association with the acoustic investigation required in association with condition 16 below, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(6) The approved details of the parking, garaging and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking, garaging and turning provision is likely to lead to parking inconvenient to other road users and detrimental to the interests of road safety.

(7) No development shall take place until details of the cycle storage facilities provided for the retail unit have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

(8) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A preliminary risk assessment which has identified:

all previous uses;
potential contaminants associated with those uses; and

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and detailed risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

(9) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

(10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition (7) above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment.

(11) The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or above has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

(12) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:

i) A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).

ii) A schedule of proposed hours of use for the different components of the submitted light scheme

iii) Details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology.

The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

(13) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out thereafter in accordance with the approved details;

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(14) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in writing in respect of the following:

(i)The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

(ii)The drainage details submitted to the Local Planning Authority shall:

(a)Specify the responsibilities of each party for the implementation of the SUDS scheme;

(b)Specify a timetable for implementation;

(c)Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

(d) Relevant manufacturers' details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

(15) The development shall not commence until full details of the flood attenuation basins and swales required in association with the SUDS strategy required by condition (14) above, which shall include details of levels and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

(16) The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

(17) Notwithstanding the recommendations of the Noise Assessment prepared by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

(18) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham Vale landscape type) and shall be based on the principles shown on drawing numbers 3094_DR_001 and 3094_DR_004 received 21st May 2014 and 3094_DR_002 rev C received 21st November 2014, and the Design and Access Statement Addendum received 21st November 2014. The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014; a minimum of three pedestrian access points between the interior of the site and the KH276; full details

(including a plan to a scale of 1:200 or 1:500 of a predominantly soft landscaped area featuring native tree planting and pollution tolerant landscaping to the public amenity area to the north of block 1 and the retail unit; the introduction of native hedging to the frontage of dwellings and adjacent to any acoustic fences required as noise mitigation in association with the noise report required by condition (16) above to soften the internal streetscape of the development; a landscaping buffer of a minimum of 25m which shall include native tree planting and a wild flower meadow area in the south of the site; the ecological mitigation identified in the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014; and the use of reed beds in the swales and drainage basins associated with the approved SUDS details required by condition (13) above.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

(19) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

(20) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement, which shall include provision for the protection of areas of new planting during construction, undertaken by an appropriately qualified party in accordance with BS5837:2012 and the recommendations of the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014. The development shall thereafter be carried out in accordance with the approved details and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

(21) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(22) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall not commence until an construction environmental management plan undertaken by a suitably qualified party has been submitted to and approved in writing by the Local Planning Authority. The content of the construction environmental management plan shall incorporate the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved construction environmental management plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

(23) No development shall take place until an ecological design strategy addressing the ecological enhancement of the site, as outlined in chapter 7 (Biodiversity Action Plan) of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014, has been submitted to and approved in writing by the Local Planning Authority. The ecological design strategy shall fully consider the impact of the use of the relevant area(s) of the site as semi-wild public open space, and shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints incorporating up-to-date ecological surveys where necessary;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity."

(24) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140 received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: In the interests of highway and pedestrian safety and sustainability.

(25) The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the development and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

(26) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, a minimum of three pedestrian access points between the interior of the site and the KH276 to the south of the proposed retail unit and associated service yard, and the provision of an alternative route to the KH276 to be extinguished, through the northern part of the site, as indicated on drawing number 061302-WARD-01 rev B received 27th January 2015. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

(27) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval in writing of details of, and completion in accordance with the approved details, the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

(28) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan, which shall include a Business Travel Plan for the retail unit (which shall include measures for its implementation, monitoring, review and subsequent enforcement) and Welcome Pack for residents of the proposed dwellings (which shall include maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations; approximate time it takes to walk or cycle to various local facilities; site specific public transport information including up to date public transport timetables; links to relevant local websites with travel information such as public transport operator information,

cycling organisations and the Council; details of local car share and car club schemes, including links to County & District Council sponsored schemes; information on public transport season tickets and offers; information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives; and information on the health, financial and environmental benefits of sustainable travel) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full;

Reason: In the interests of sustainable transport use.

(29) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

(30) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

(31) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(32) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(33) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers.

(34) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason : In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(35) Prior to the first occupation of the retail unit, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(36) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary with their refrigeration units in operation in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(37) Prior to the first occupation of the retail unit, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(38) Prior to occupation of the retail unit hereby permitted, a service yard management plan, which shall include details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays, shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in strict accordance with the approved details and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(39) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

(40) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

(41) The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094_DR_001 and 3094_DR_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094_DR_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and

drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094_RP_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers

061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

Reason: In the interests of clarity and to ensure the quality of the development is maintained.

INFORMATIVES

(1) The lighting scheme provided in accordance with condition (11) should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(4) For the purposes of discharge of conditions 33 and 34:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

(5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

(6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available online at www.environment-agency.gov.uk.

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(7) No new planting should be introduced within 1m of the KH275 public right of way.

Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works).

Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.

(8) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk.

(9)

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

(10) The applicant is advised that the site lies within a Area of Special Control of Advertisements.

(11) Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site."

Case Officer: Catherine Slade

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: MA/14/0828

Amendments to recommendation:

As Members will be aware, the Ministerial Statement of 25th March 2015 precludes Local Planning Authorities from imposing conditions requiring compliance with technical housing standards in cases where there are no existing policies, and withdrawing the Code for Sustainable Homes. As such, conditions can no longer be imposed on planning permissions seeking compliance with the Code for Sustainable Homes and technical housing standards, and these matters will henceforth be dealt with under Building Regulations. I therefore propose to delete condition 11, and renumber all subsequent conditions accordingly (amending conditions 15/14 [surface water drainage flood attenuation] and 18/17 [landscaping] to refer to correct condition 14/13 [FRA and SuDS], and condition 4 [boundary treatments] to refer to correct condition 17/16 [acoustic protection]).

The recommendation on the papers refers to outline planning permission; for the avoidance of doubt, the application before Members is for full planning permission.

I have reconsidered the wording of condition 3 (architectural detailing), and have concluded that in light of the absence of an intended occupier for the retail unit on the site it is unreasonable to require the details of the proposed shop front of this element of the proposal to be submitted prior to the commencement of the development. As such, I propose an amended condition 3 omitting this element from the scope of the condition, and propose an additional condition requiring the submission of details of the shop front prior to commencement of the build out of the retail unit and implementation of the subsequently approved details.

Amended condition 3:

“No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site; and*
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm); and*
- iii) Details of the junction of the timber boarding and the brickwork.*

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.”

Additional condition 42:

“The construction of the retail unit of the development hereby permitted shall not commence until details of the shop front to the retail unit in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the Local Planning Authority;

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.”

Recommendation:

Subject to the amendments set out above, my recommendation remains unchanged.

Reference number: MA/14/0828

Additional representation:

An additional representation has been received from the occupier of a neighbouring dwelling. Concern has been expressed in respect of the notification process for the Planning Committee meeting; I can confirm that the letter to the neighbour was sent out in accordance with established protocol on 20th May 2015 which allowed the individual to make a representation in relation to the application before Members in a timely manner.

Other than this, the representation does not raise any new matters that have not been fully addressed in the previous report to Planning Committee which is attached as an appendix to the Planning Committee report on the papers before Members.

Amendment to recommendation:

The amendment to the recommendation approved by Members in respect of the payment of a CIL contribution of £200 per dwelling (rather than £200 in total) in respect of public rights of way was not carried forward on the papers before Members; I therefore propose to amend the recommendation as follows:

“SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and*
- *A contribution of £2,360.96 per ‘applicable’ house and £590.24 per ‘applicable’ flat towards the first phase of the 1FE expansion of Harrietsham Primary School; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham); and*
- *A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development and*
- *A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms; and*
- *A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham.*
- *A contribution of £200 per dwelling towards the improvement and maintenance of public rights of way to the south of the A20 in the vicinity of Harrietsham (namely KH272, KH272A, KH276 and KH652 (in no particular preferential order)); and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children’s and young people’s equipped play areas at Glebe Fields OR a contribution of £1,575 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children’s and young people’s equipped play areas at Glebe*

Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO THE IMPOSITION OF THE CONDITIONS (as set out in full in the report to Planning Committee on the papers and as per the previous urgent update)."

Recommendation:

Subject to the amendments set out above, my recommendation remains unchanged.



Harrietsham Scope Reduction

TECHNICAL NOTE

Report

Harrietsham Scope Reduction

TECHNICAL NOTE

Report

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Report Record

Job No.	Report No.	Issue No.	Prepared	Verified	Approved	Status	Date
ST16082	1	1	JC	PJ	PJ	Draft	15/04/2015

Contents Amendments Record

Issue No.	Revision description	Approved	Status	Date

Contents

1	INTRODUCTION	1
2	TECHNICAL REVIEW	2
	APPENDIX A	6

Tables and Figures

Table 2.1 Suggested construction phasing	3
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Appendices

- Appendix A scheme layout drawings
- Appendix B Cost estimate

1 Introduction

Background

- 1.1 JMP has been commissioned by Maidstone Borough Council (MBC) to review previously issued layouts and associated cost estimate, by JMP, for Section 106 works on the A20 at Harrietsham. This follows clarification of available budgets and a phased approach to the Section 106 works.
- 1.2 An initial scheme layout and cost estimate was prepared and issued by JMP in April 2014 and revised following inclusion of development accesses in November 2014.
- 1.3 Richard Timms and Catherine Slade (MBC) confirmed at a meeting on 11th February 2015 the constraints of the budget for the Section 106. There are a number of developments at various stages of planning, which will contribute to an overall Section 106 budget of £1,102,500. The budget will be based on a maximum contribution of £3,500 per dwelling (315 dwellings).
- 1.4 However, money from the overall budget will not be available as a lump sum as developments will come on line at different times. The works will be constructed in four phases starting with the CTRL development comprising 114 dwellings. This development is located centrally in Harrietsham and requires that the central section of the scheme is constructed within a budget of £399,000.

2 Technical Review

Scheme Aspirations and Background

- 2.1 The scheme comprises a section of the A20 which passes through Harrietsham in Kent and includes a number of improvements: narrowing of an overly wide road, creation of new footway and pedestrian crossing facilities, and the lowering of the existing 40mph speed limit to 30mph.
- 2.2 A major aspiration of the scheme is to improve permeability in Harrietsham across the A20. Historically, the residential areas of Harrietsham lie to the north of the A20; however, three of the new developments will be sited on the south side and MBC consider the promotion of greater access between the two sides a priority. A reduction in the speed limit to 30mph and additional pedestrian crossing facilities are seen as the most appropriate way of achieving this aim.
- 2.3 Previous iterations of the layout included for narrowing of the A20 over a far longer section than is now being considered but due to the constraints imposed by the phased approach and reduced budget the original scope has been reduced.
- 2.4 The scheme centres around the junctions with West Street and East Street. The existing carriageway is at its widest in this location as there was a major works site for the Channel Tunnel Rail Link (CTRL) accessed from a junction opposite West Street. The purpose of the increased width was to accommodate oversize vehicles delivering to the site.
- 2.5 The proposed scheme narrows the A20 to one lane in each direction with ghost island right turn lanes. The proposed road layout sits within the extents of the carriageway; to the west of East Street it is aligned to the south side of the A20 before a series of curves takes the alignment to the north side. This 'kink' acts as a traffic calming measure, effecting the reduction in speed to 30mph. At the same time, the narrowed carriageway enables the creation of additional green space to the north on either side of West Street.
- 2.6 The proposed reduction in speed limit is located on the east and west approaches to Harrietsham on the A20 and the transition is marked by gateway features.
- 2.7 Three of the developments contributing to the Section 106 budget will be accessed directly from the A20. The CTRL site is likely to be the first of a number of sites in Harrietsham to be developed and reuses the existing access opposite West Street. MBC have made clear that a standalone Phase 1 scheme should be designed which can be paid for with the CTRL site's Section 106 contribution. There are 114 houses planned for the site which results in a budget of £399,000.
- 2.8 In addition to the CTRL site, two other sites accessed from the A20 have resolution to grant: Bell Farm, 35 dwellings, and Mayfield Nurseries, 49 dwellings. A further 117 dwellings from a combination of developments within Harrietsham contribute the remainder of the Section 106 budget.

Phasing

- 2.9 MBC requires that the Section 106 works are constructed in phases governed by the money released when developments come on line. Table 2.1 details a phasing strategy based on the CTRL site being constructed first (Phase 1). It is assumed that the Bell Farm and Mayfields Nurseries sites will be the next developments to be built but it is not clear as to which will be constructed first.
- 2.10 For simplicities sake, it is assumed that Phase 4 will be an amalgam of the Section 106 monies obtained from a number of other developments within Harrietsham.

Table 2.1 Suggested construction phasing

Construction Phase	Budget
Phase 1 CTRL Site	£399,000
Phase 2 Bell Farm	£122,500
Phase 3 Mayfield Nurseries	£171,500
Phase 4 Remaining Sites	£409,500
Total	£1,102,500

Section 278 Schemes

- 2.11 It is assumed that the accesses to the CTRL, Bell Farm and Mayfield Nurseries developments will fall outside the scope of the Section 106 works and will instead be constructed under Section 278 agreements. Any costs associated with Section 278 agreements are therefore excluded from the Section 106 costs.
- 2.12 The scope of the Section 278 works for the CTRL site will comprise the junction access only: the staggered puffin replaces an existing facility and has a wider benefit to Harrietsham as a whole. For the Bell Farm and Mayfield Nurseries sites, the Section 278 works will include the junction accesses, uncontrolled pedestrian crossings and associated footway links. This is on the basis that the Section 106 delivers highway improvements beneficial to Harrietsham as a whole: these elements have been excluded because they are considered to benefit the development sites only.

Technical Review

General

- 2.13 The scheme has been designed on the basis that diversions to Statutory Undertaker's plant will not be required. C2 plant location records have been assessed and the design amended accordingly. There are no highway widening works as part of the Section 106 scheme. It should be noted that the new accesses required into the development sites will likely require diversion works but it is expected this will be paid for under Section 278 agreements.
- 2.14 Ghost island right turns have been designed in accordance with the Design Manual for Roads and Bridges. However, due to the proximity of junctions in this location, no additional capacity for queuing is possible.

Phase 1

- 2.15 The Phase 1 works are shown on drawing ST16082-01 (Appendix A) and the scope comprises the central section of the scheme between Willow Close and East Street. The essence of the Section 106 scheme is contained in Phase 1 and to reduce its scope too drastically would adversely affect the overall character of the scheme. The main element to be retained is the 'kink' in the alignment of the A20 which provides additional green space to the north. To achieve this requirement, a 'do minimum' approach has been taken with regard to construction and where possible existing carriageway pavement construction is reused.
- 2.16 The budget of the Phase 1 scheme means resurfacing of the carriageway is not allowed for in this phase and proposed drainage will be designed to suit the existing surface in relation to the new channel alignments. A consequence of this approach will be the misalignment of the camber. This could be corrected with surface regulation but for cost reasons, this measure cannot be included in Phase 1.

2.17 At present the street lighting should be adequate to light what is a very wide road. The narrower road alignment falls within the extents of the existing road and would therefore be lit by existing lighting. The cost of upgrading the street lighting is included in subsequent phases.

2.18 Ghost island right turns have been retained to minimise the extent to which the carriageway is narrowed. It could be argued that removal of ghost island right turns would act as an effective traffic calming measure. However, the presence of the staggered crossing and reduced budget mean this is not practical.

Phase 1A

2.19 Ideally, the gateways marking the proposed transition from 40mph to 30mph on the approaches to Harrietsham would be constructed as part of Phase 1 as the alignment of the A20 in the central section has been designed to for the reduction in speed. The cost of the gateway features is included as a separate item as its inclusion in Phase 1 exceeds the available budget.

2.20 Proposed layouts are shown on drawing ST16082-02 (Appendix A) and include build outs effecting a narrowing of the carriageway at the transition in speed limits.

2.21 Surface dressing of the carriageway over the section where the central hatched area road markings are to be modified has been included as removal of the road markings is not an entirely effective measure and, in these particular locations, could cause safety issues.

Phases 2 and 3

2.22 The proposed Phase 2 layout is shown on drawing ST16082-03 and Phase 3 is shown on ST16082-04, both can be found in Appendix A.

2.23 Phases 2 and 3 derive from the budgets of the Bell Farm and Mayfield Nurseries developments respectively. For both the Bell Farm and Mayfield Nurseries developments, most works adjacent to the site will be constructed under Section 278. It is not known which development will come on line first or indeed if both will be constructed at the same time. To cater for all eventualities, the areas of construction that tie in to the Phase 1 works have been arranged so they can be constructed in self contained blocks.

Phase 4

2.24 The proposed Phase 4 layout is shown on drawing ST16082-04 and can be found in Appendix A.

2.25 Phase 4 will enable the installation of new street lighting and for the resurfacing of the A20 in areas where the highway has been modified. During Phase 1, the budget only allows for the removal of road markings; however, it is not possible to remove road markings entirely and a residual image of the markings will remain. Street lighting and resurfacing is left until Phase 4 due to the budget constraints of a phased approach: they are large items and would exceed the budgets of Phases 1 to 3 if included in those phases.

2.26 It is considered that the existing street lighting will be adequate to light the new road layout in the short term but ultimately, a new lighting scheme is required and should be installed at the earliest available opportunity.

2.27 The resurfacing of the new road layout will result in an element of abortive work in previous phases; for example, the surface layers of the new road construction to replace the traffic islands will be removed during the resurfacing. Despite the abortive works, budget constraints mean resurfacing cannot happen until Phase 4.

Cost Estimate

2.28 The revised cost estimate can be found in Appendix B.

2.29 The costs for each phase align with the phased approach described above. Costs are summarised in Table 2.2.

Table 2.2 Cost Estimate Summary

Construction Phase	Budget	Cost Estimate
Phase 1	£399,000	£399,569.81
Phase 1A	n/a	£83,065.44
Phase 2	£122,500	£122,252.26
Phase 3	£171,500	£171,282.43
Phase 4	£409,500	£329,018.94
Total	£1,102,500	£1,105,188.87

2.30 It can be seen from Table 2.2 that Phases 1, 2 and 3 all hit the prescribed budgets. Phase 1A, ideally, would be constructed at the same time as Phase 1; although, MBC may decide there is a temporary solution which will enable Phase 1 to be constructed without the change in speed limits or with a temporary signing arrangement. Phases 1A and 4 combined broadly meet the budget prescribed for Phase 4.

2.31 In addition to construction cost subtotal, the following additions are made:

- 15% preliminaries
- 5% Additional installation fees (such as power connections)
- 15% Traffic management
- 20% Contingency on all of the above
- 10% Design fee on all of the above

2.32 The additional percentage rates outlined above are standard for construction schemes of this nature. Contingencies are set at 20% as until detailed design is undertaken, there are a lot of unknowns which could incur additional cost.

2.33 It is assumed that the cost of design will be funded by Section 106 monies and as such, an allowance of 10% is made.

Appendix A

SCHEME LAYOUT DRAWINGS

ST16082-01: Phase 1

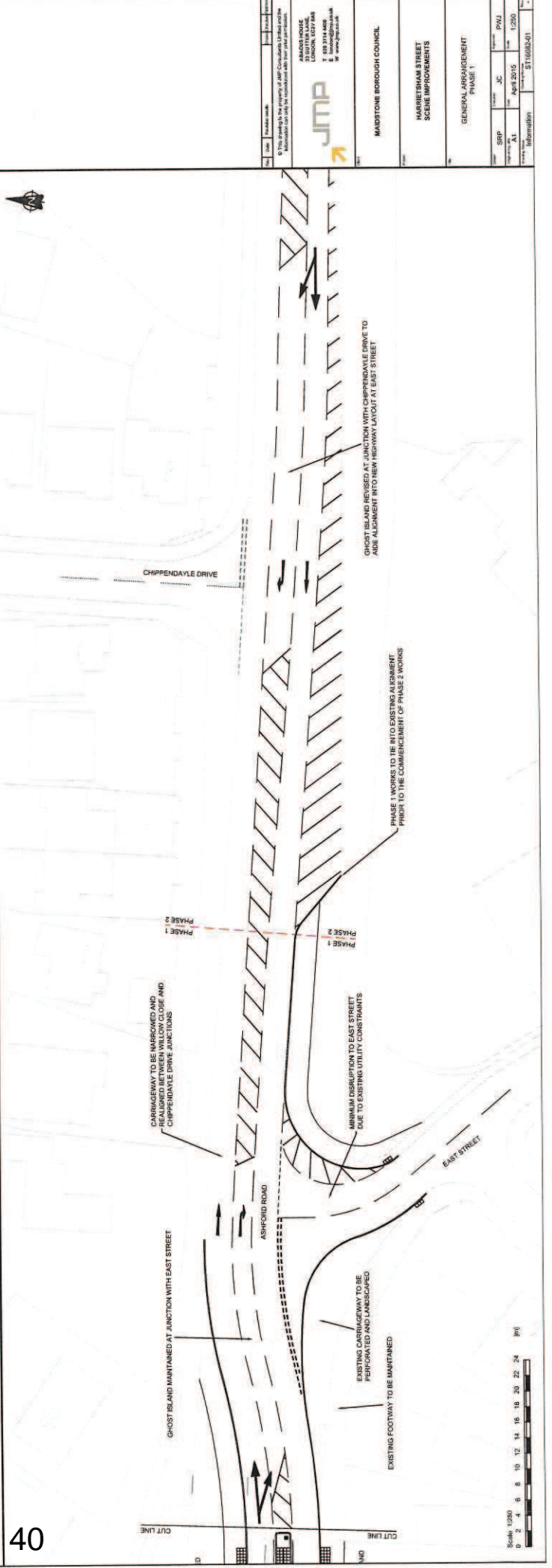
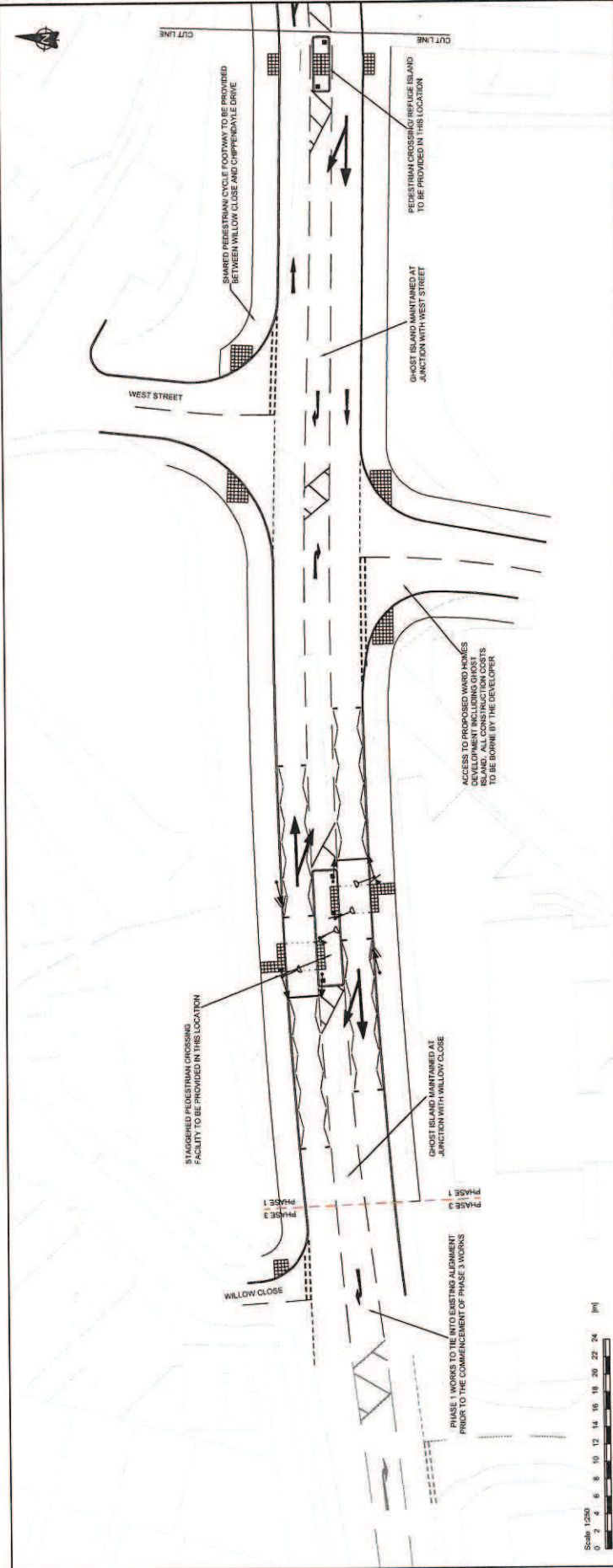
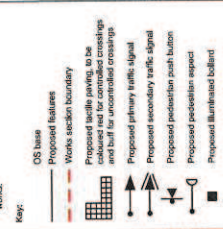
ST16082-02: Phase 1A

ST16082-03: Phase 2

ST16082-04: Phase 3

ST16082-05: Phase 4

- Notes:**
1. Do not scale from this drawing. If in doubt refer to the project manager for clarification.
 2. All dimensions in metres unless otherwise stated.
 3. Refer to JMP drawing ST11652-02 for Phase 1A works.
 4. Refer to JMP drawing ST11652-03 for Phase 2 works.
 5. Refer to JMP drawing ST11652-04 for Phase 3 works.
 6. Refer to JMP drawing ST11652-05 for Phase 4 works.



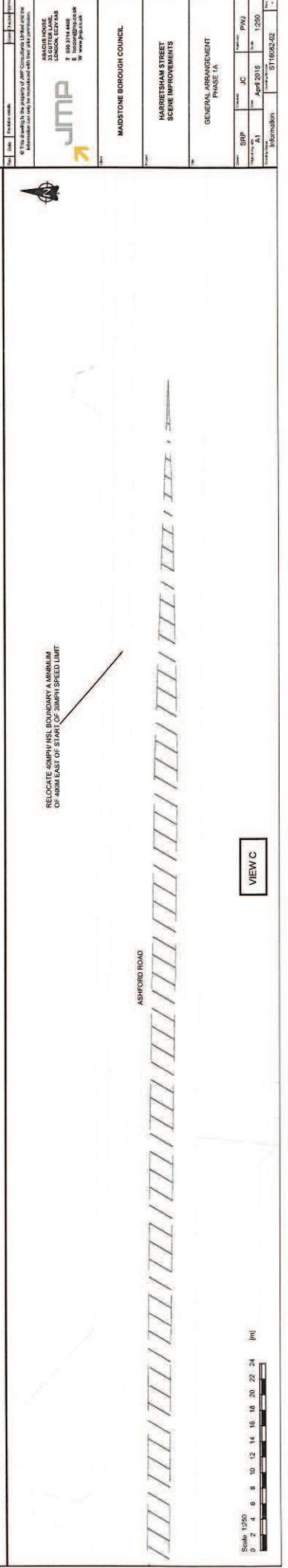
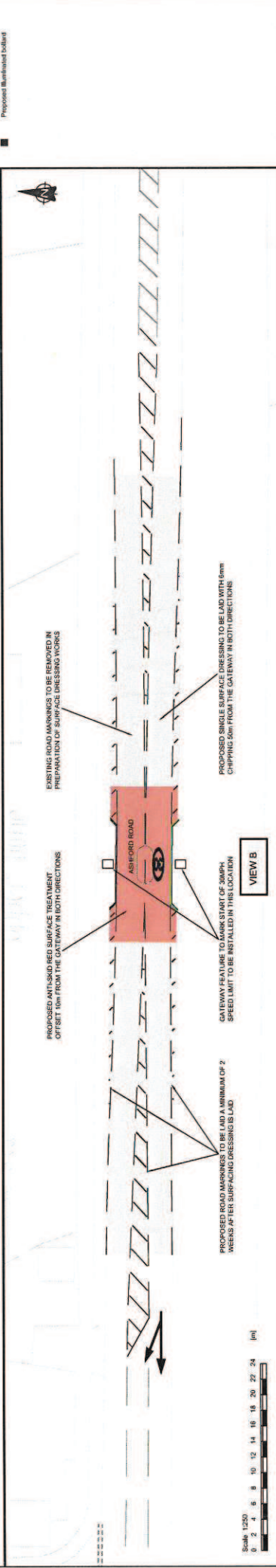
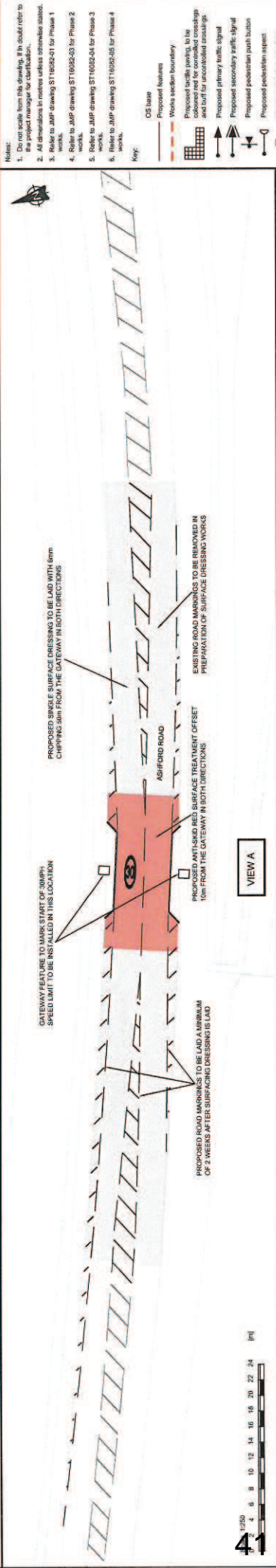
40

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<p>MAIDSTONE BOROUGH COUNCIL</p>	
<p>HARRETSHAM STREET SCHEME IMPROVEMENTS</p>	
<p>GENERAL ARRANGEMENT PHASE 1</p>	
<p>SRP</p>	<p>JC</p>
<p>APPROVED BY</p>	<p>APR 20 15</p>
<p>DATE</p>	<p>1:250</p>
<p>PROJECT INFORMATION</p>	<p>ST11652-01</p>



PHASE 1A WORKS HOLISTIC LAYOUT

NOT TO SCALE



- Notes:**
1. All work shall be done in accordance with the drawings. If it is found that the drawings do not conform to the project manager for clarification.
 2. All dimensions are in meters unless otherwise stated.
 3. Refer to JMP drawing ST16932-01 for Phase 1 works.
 4. Refer to JMP drawing ST16932-03 for Phase 2 works.
 5. Refer to JMP drawing ST16932-04 for Phase 3 works.
 6. Refer to JMP drawing ST16932-05 for Phase 4 works.
- Key:**
- OS base
 - Proposed features
 - Works area boundary
 - Proposed kerb line to be covered red for uncontrolled crossings and buff for uncontrolled crossings
 - Proposed primary traffic signal
 - Proposed secondary traffic signal
 - Proposed pedestrian push button
 - Proposed pedestrian aspect
 - Proposed blindfold bollard

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MADDISTONE BOROUGH COUNCIL

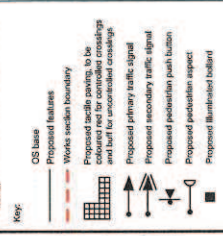
HARBETAM STREET SCENE IMPROVEMENTS

GENERAL ARRANGEMENT PHASE 1A

SRP	JC	PNJ
21	1	1
12/2016	1/2016	1/2016

Information: ST16932-02

- Notes:**
1. Do not scale from this drawing. If in doubt refer to the project manager for clarification.
 2. All dimensions in metres unless otherwise stated.
 3. Refer to JHP drawing ST16082-01 for Phase 1 works.
 4. Refer to JHP drawing ST16082-02 for Phase 1A works.
 5. Refer to JHP drawing ST16082-03 for Phase 2 works.
 6. Refer to JHP drawing ST16082-04 for Phase 3 works.
 7. Refer to JHP drawing ST16082-05 for Phase 4 works.



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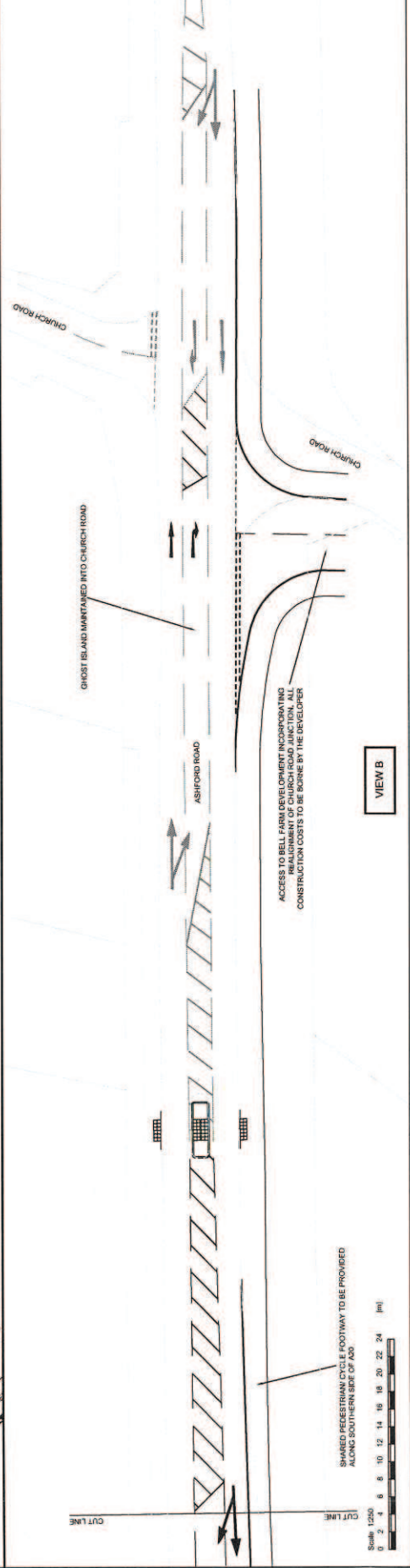
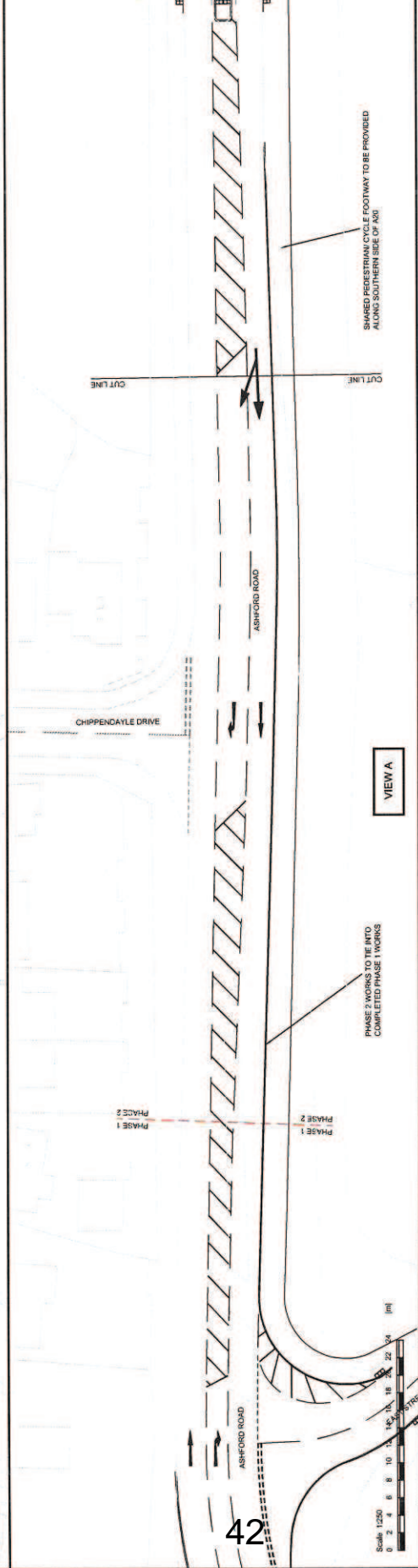
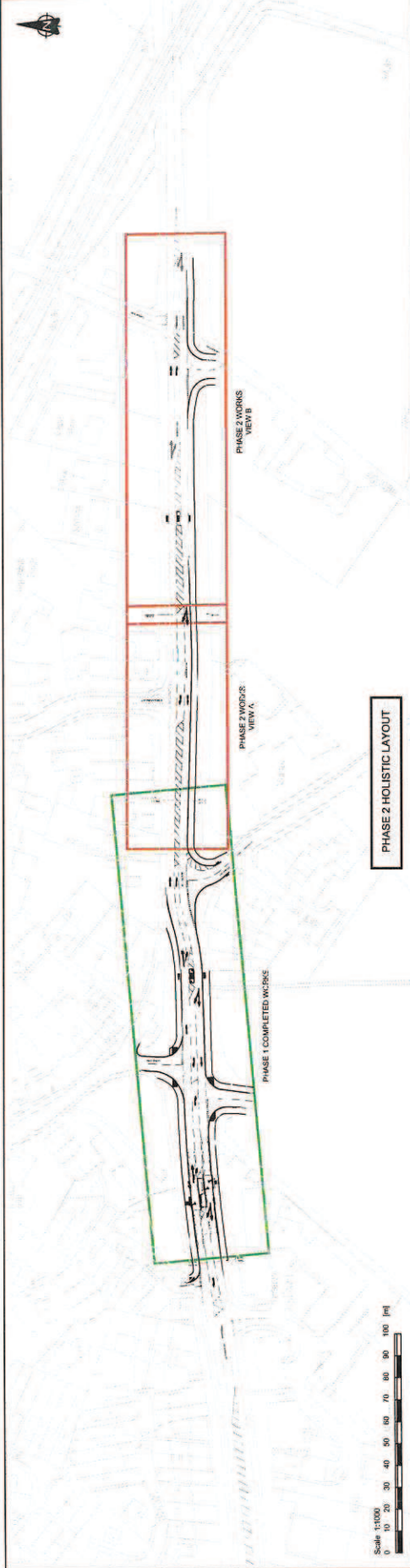
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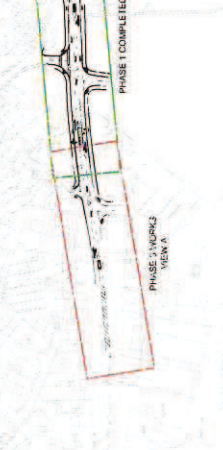
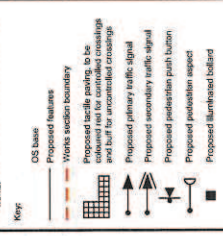
**MARSHAM STREET
 SCENE IMPROVEMENTS**

**GENERAL ARRANGEMENT
 PHASE 2**

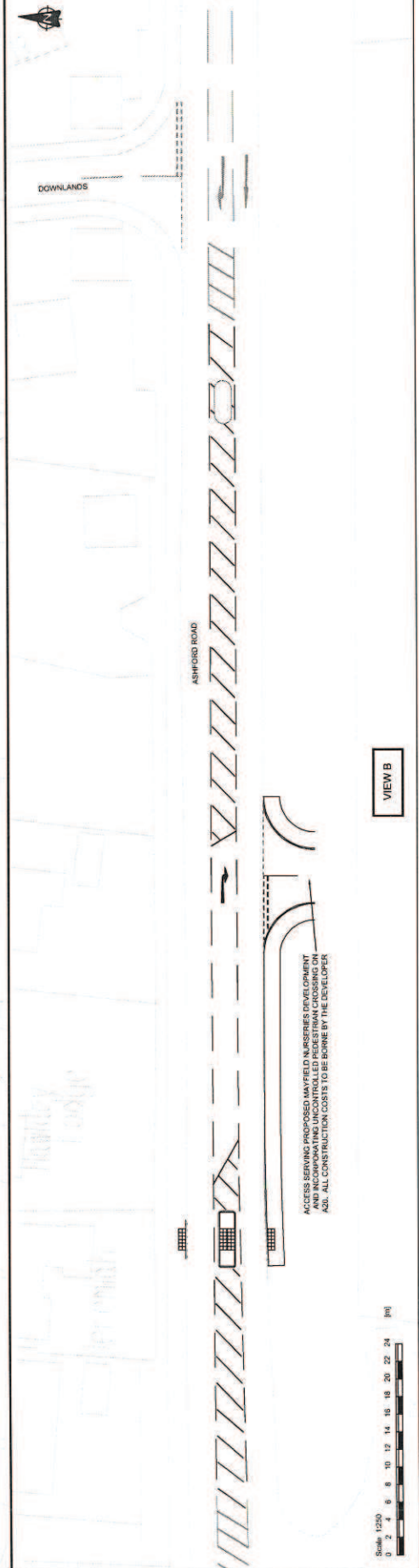
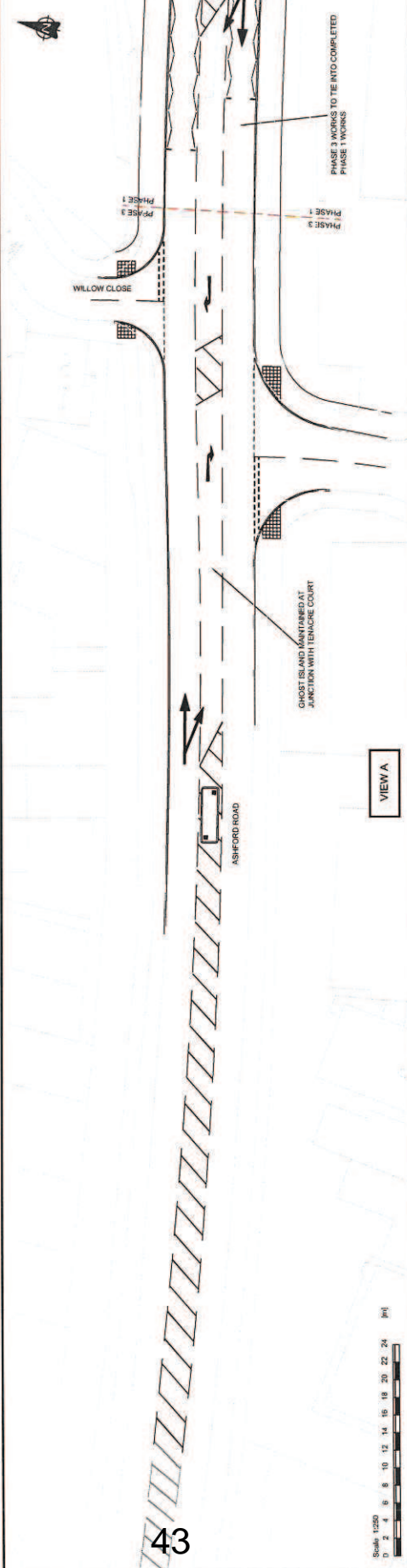
Client	MBP	Project No.	JC	Drawn by	PWL
Author	AI	Issue No.	1	Date	April 2015
Information	As shown				
Project No.	ST16082-03				



- Notes:**
1. Do not scale from this drawing. If it could refer to the project manager for clarification.
 2. All dimensions in metres unless otherwise stated.
 3. Refer to JMP Drawing ST16052-01 for Phase 1 works.
 4. Refer to JMP Drawing ST16052-02 for Phase 2 works.
 5. Refer to JMP Drawing ST16052-03 for Phase 3 works.
 6. Refer to JMP Drawing ST16052-04 for Phase 4 works.



PHASE 3 HOLISTIC LAYOUT



JMP

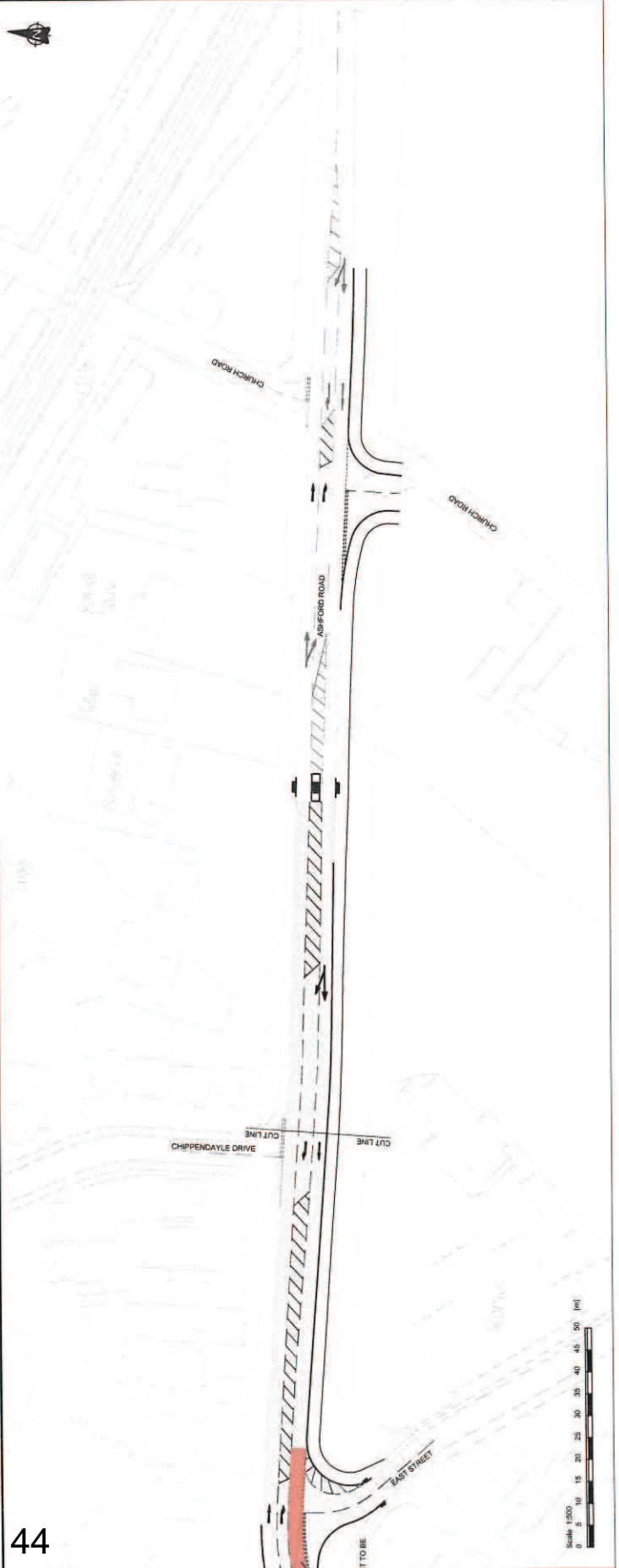
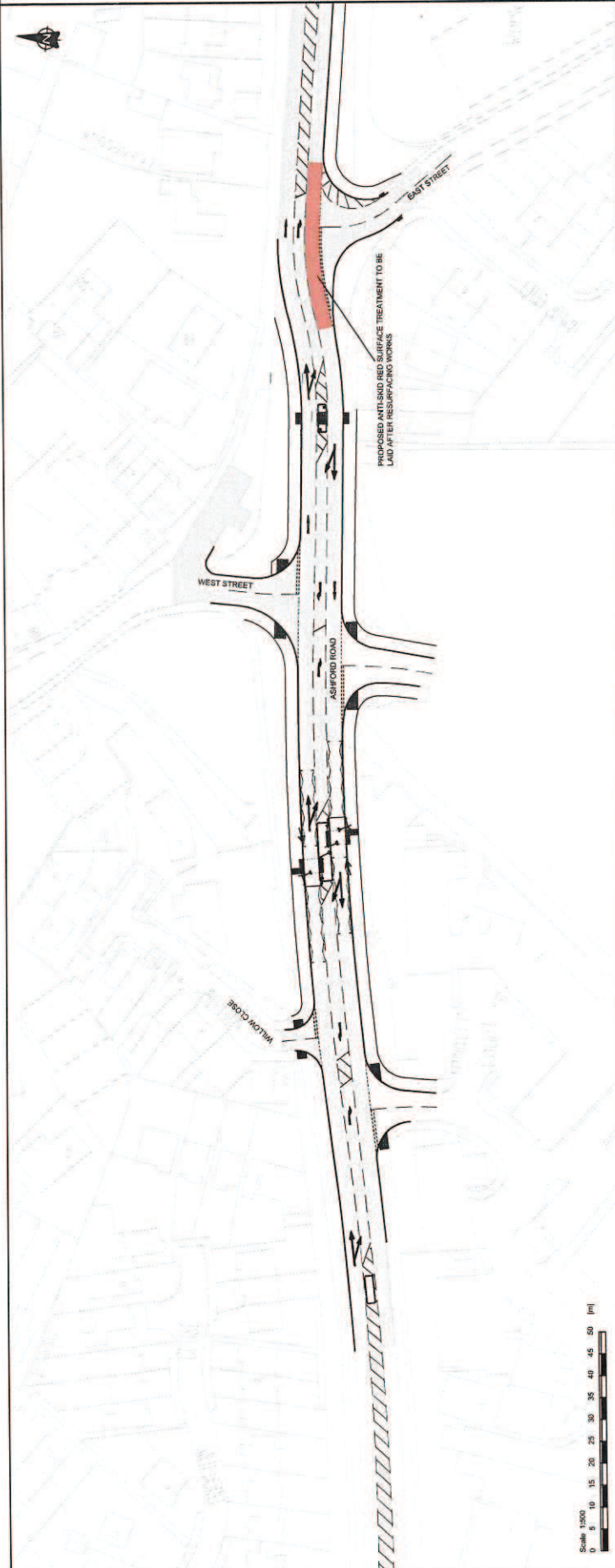
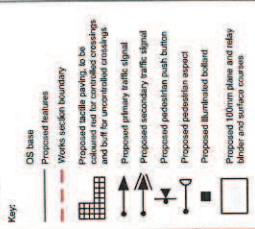
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MASTON BOROUGH COUNCIL

HARBRETHAM STREET
SCENE IMPROVEMENTS
GENERAL ARRANGEMENT
PHASE 3

Client	SRP	Project	JC	Author	RWJ
Drawn by	AK	Issue	1	Date	April 2015
Checked by	AK	Project No.	AK	Alt. Sheet	
Information	ST16052-04				

- Notes:**
1. Do not scale from this drawing. If it could refer to the project manager for clarification.
 2. All dimensions in metres unless otherwise stated.
 3. Refer to JMP drawing ST16052-01 for Phase 1 works.
 4. Refer to JMP drawing ST16052-02 for Phase 1A works.
 5. Refer to JMP drawing ST16052-03 for Phase 2 works.
 6. Refer to JMP drawing ST16052-04 for Phase 3 works.



44

Client	Madstone Borough Council	Project No.	ST16052-05
Drawn	JMP	Scale	1:500
Checked	JMP	Date	April 2015
Author	JMP	Project Manager	JC
Project	Madstone Borough Council	Project Name	Harrietsham Street Scene Improvements
Phase	General Arrangement	Phase	Phase 4
Sheet	SRP	Sheet	PWU
Revision	AT	Issue	1:500
Revision	Information	Revision	ST16052-05

Appendix B

COST ESTIMATE

Revision D

Strategic Planning, Sustainability and Transport Committee

9 June 2015

Is the final decision on the recommendations in this report to be made at this meeting?	Yes
---	------------

Report of the Head of Finance and Resources – Local Plan Sub Committee

Final Decision-Maker	Strategic Planning, Sustainability and Transport Committee
Lead Director or Head of Service	Head of Finance and Resources
Lead Officer and Report Author	Tessa Mallett
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. To consider the role of the Local Plan Sub Committee
2. To agree the membership of the Local Plan Sub Committee

This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

Local Plan Sub Committee

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For the Strategic Planning, Sustainability and Transport (SPST) Committee to consider the purpose and membership of the Local Plan Sub Committee
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The new Maidstone Borough Council Constitution was adopted by Full Council on 22 April 2015.
 - 2.2 The new Constitution provides for a Local Plan Sub Committee made up of five members of the SPST Committee. The Terms of Reference for the SPST Committee and the Local Plan Sub Committee are attached as **Appendix I**.
-

3. AVAILABLE OPTIONS

- 3.1 The Committee could decide to appoint members to the Local Plan Sub Committee as per the terms of reference in Appendix I.
 - 3.2 The Committee could decide not to appoint members to the Local Plan Sub Committee until the programme of work for the SPST Committee has been agreed.
 - 3.3 The Committee could decide not to have the Local Plan Sub Committee at this point in time.
-

4. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Terms of Reference for the Strategic Planning, Sustainability and Transport Committee and the Local Plan Sub Committee
-

5. BACKGROUND PAPERS

None

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE

Membership: 9 Councillors

Purpose: To be responsible for planning, sustainability, district highways and car parking functions and transportation.

FUNCTIONS	DELEGATION OF FUNCTIONS
To take the lead in ensuring that the Council delivers its strategic objectives for planning, sustainability and transportation	N/A
To pass a resolution that Schedule 2 to the Noise and Nuisance Act 1993 should apply in the authority's area	N/A
To submit to Policy and Resources (P&R) Committee all revenue estimates and capital programmes within the remit of the Committee with a view to P&R determining the budget for submission to Council	
To be responsible for all strategic budget related staffing matters within the Committee's remit	
<p>Strategic Planning and Performance Management — to oversee the development, review and implementation of the Council's:</p>	
Spatial Planning Strategy including the Local Plan and other Spatial Planning documents (such as the Blue and Green infrastructure Plan and Landscape Character Assessment) including Development Plan documents, Development Management policies and Development briefs (subject to approval by Council)	Head of Planning and Development
Development Management, Enforcement, Community Infrastructure levy (CIL) and Infrastructure Delivery Plan (IDP)	Head of Planning and Development
Car Parking Plans and Strategy	Director of Environment and Shared Services
Air Quality Management Strategy, smoke free premises and control of pollution.	Director of Environment and Shared Services
Integrated Transport Strategy, park and ride	Director of Environment

and district highways functioning	and Shared Services
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ROLE OF THE CHAIRMAN OF STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT

- Working with others in building a vision for the Council and Community
- To represent the Council on all partnerships relevant to the Committee
- To take the lead role in this Committee of fostering close links with key stakeholders including Parish Councils, the Developers Forum, English Heritage and transport interest groups such as Quality Bus Partnership, Transport Users Group, Rail Stakeholders Group
- To take the lead role within this Committee for responsibility for relationships with funders including Kent County Council and The Highways Agency
- To chair the Joint Transportation Board with Kent County Council in alternate years and be Vice Chairman in others.

2.4 LOCAL PLAN SUB COMMITTEE

Membership: 5 Councillors

Responsible for Spatial Planning Strategy including the local plan and other Spatial Planning documents including Development Plan documents, Development Management policies and Development briefs (subject to approval by Council and the Strategic Planning, Sustainability and Transportation Committee).

Strategic Planning, Sustainability and Transport Committee

9 June 2015

Is the final decision on the recommendations in this report to be made at this meeting?	Yes
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Maidstone Borough Local Plan Position Statement

Final Decision-Maker	Strategic Planning, Sustainability and Transport Committee
Lead Director or Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Sue Whiteside, Spatial Policy Team Leader
Classification	Non-exempt
Wards affected	All Wards

This report makes the following recommendations to the final decision-maker:

1. That the progress made on the emerging Maidstone Borough Local Plan is noted.
2. That the Committee approves the draft programme for the preparation of the Maidstone Borough Local Plan set out below as an interim measure prior to a review of the Local Development Scheme.

Date	Maidstone Borough Local Plan Progress
June to August 2015	Strategic Planning, Sustainability and Transport Committee consideration and approval of additional policies for Regulation 18 and 19 consultations
September 2015	Focused four week public consultation (Regulation 18) on key local plan policy/site allocation changes
October/November 2015	An informal Committee briefing on the draft Publication version of the local plan
December 2015	Strategic Planning, Sustainability and Transport consideration of the Publication version of the local plan for consultation (Regulation 19) and Submission to the Secretary of State (Regulation 22), followed by full Council approval
January/February 2016	Publication consultation (Regulation 19)
April/May 2016	Submission to the Secretary of State (Regulation 22)

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable	
<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

Maidstone Borough Local Plan Position Statement

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report is intended to assist Councillors of the Strategic Planning, Sustainability and Transport Committee by briefly outlining the stages of local plan production, and setting out a summary of the progress of the draft Maidstone Borough Local Plan since the close of its public consultation in May 2014.
- 1.2 The report further sets out a draft programme for the local plan, from a series of reports to be considered by this Committee over the following months to full Council approval of the Maidstone Borough Local Plan for Publication and Submission. The programme for the local plan is recommended for approval by the Committee.

2. INTRODUCTION AND BACKGROUND

- 2.1 Local plans must be positively prepared, justified, effective and consistent with national policy, namely the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). A local plan is produced in accordance with planning regulations¹, and there are several key stages a plan passes through from its inception to adoption:
 - Preparation (Regulation 18) is a front-loaded informal stage(s) of public consultation whereby the length and breadth of the consultation should be influenced by the size and complexity of the plan and/or policies.
 - Publication (Regulation 19) should be the document that the local authority considers ready for examination. This plan must be published before it can be submitted for examination together with any representations received during consultation. If the council wishes to amend the local plan following consultation, it must take a step back and re-consult the public under Regulation 18.
 - Submission (Regulation 22) to the Secretary of State for Communities and Local Government for examination.
 - Independent Examination (Regulation 24) presided over by an Independent Planning Inspector.
 - Adoption (Regulation 26).
- 2.2 The development plan for Maidstone comprises a number of local documents: adopted development plan documents (DPD), which are now called local plans; saved policies from the adopted Maidstone Borough-wide Local Plan 2000; and

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

saved policies from the Kent Minerals and Waste Local Plans that are prepared by Kent County Council. The Maidstone Borough Local Plan, once adopted, will supersede adopted DPDs and saved 2000 local plan policies. Neighbourhood plans will also form part of the development plan once “made” (the equivalent of adoption).

- 2.3 Supplementary Planning Documents (SPD) can be prepared in accordance with national planning regulations following the adoption of a local plan. SPDs are not policy making documents but should build upon and provide more detailed advice or guidance on the policies in the local plan. SPDs are not examined but they are subject to public consultation and, once adopted, SPDs are a material consideration in the determination of planning applications. Approved Planning Policy Advice Notes are also a material consideration but the weight afforded to them depends on the level of consultation undertaken during their preparation.
- 2.4 This report is focusing on the progress of the Maidstone Borough Local Plan since public consultation (Regulation 18) was undertaken from 21 March to 7 May 2014. The report also highlights the remaining policies that this Committee will be giving consideration to over the following months, and a draft programme leading to the submission of the local plan is recommended as an interim measure in advance of reviewing the council’s Local Development Scheme (LDS). The LDS is a project plan that sets the timetable for the production of the council’s local plan, and it explains how the council will manage and resource the preparation of documents.
- 2.5 Since public consultation on the draft local plan, the policies have been considered in groups by the former Planning, Transport and Development Overview & Scrutiny Committee and Cabinet. Table 1 below lists the Cabinet decisions for policy groups that have been considered to date. Most of the draft policies and land allocations, some amended as a result of consultation, will be included in the Publication version of the local plan for Regulation 19 consultation. Where key policy and land allocation changes have arisen, such policies will be subject to a 4-week focused public consultation in order to complete Regulation 18 stage of the local plan preparation process in advance of Publication.

Topics	PTD OSC	Cabinet	Outcome
Strategic Housing Market Assessment update	19 August 2014	10 September 2014	For the plan period 2011 to 2031, approval of an updated objectively assessed housing need of 18,600 dwellings, and 960 additional care homes places.
Development management and infrastructure delivery policies (excluding transport	16 December 2014	14 January 2015	Approval of policy amendments for Regulation 19 consultation, following the

Topics	PTD OSC	Cabinet	Outcome
and affordable housing)			consideration of representations received during public consultation.
Care Homes policy	16 December 2014	14 January 2015	Approval of a new care homes policy for Regulation 18 consultation.
New and amended housing site allocations	20 and 28 January, and 2 March 2015 call-in	2 and 4 February, and 9 March 2015	Following the consideration of representations on housing sites received during public consultation, approval of amendments for Regulation 19, and deletions/additions for Regulation 18 consultations.

Table 1: Cabinet decisions relating to the Maidstone Borough Local Plan

- 2.6 There are some outstanding policies that have not yet been considered by Councillors for a number of reasons, including the need to prepare additional evidence to respond to representations in full; a review of sites to provide for Gypsy and Traveller accommodation; the completion of further transport modelling; and a restructure of the spatial elements of the local plan to strengthen the policies. The following topics are proposed to be presented to this Committee for consideration.

9 June 2015

- Strategic Housing Market Assessment update (report attached to this agenda)
- Housing sites update (report attached to this agenda)

14 July 2015

- Retail and mixed use site allocations
- Landscape and Open Space – policies and site allocations
- Affordable Housing policy
- Maidstone Monitoring Report

August 2015 (date subject to Committee agreement)

- Gypsy & Traveller site allocations
- Employment site allocations
- Future Broad Locations (Policy H3: Town Centre, Maidstone Barracks and Lenham)
- Transport policies (subject to completion of transport modelling and draft Integrated Transport Strategy)

- 2.7 The spatial policies of the local plan will be reviewed as part of the consideration of the plan as a whole, prior to Publication.
- 2.8 It is crucial that the local plan is underpinned by a robust evidence base in order to support a sound plan at examination. Independent Examination is a costly stage of the local plan process, and a number of plans have been found unsound or suspended due to an inadequate evidence base. An analysis of unsound local plans is set out in the housing sites update report elsewhere on this agenda.
- 2.9 Since the consultation on the draft Maidstone Borough Local Plan closed in May 2014, further evidence has been (and continues to be) prepared to respond to representations and to support policies and land allocations.
- The Strategic Housing Market Assessment (SHMA) was updated to reflect the release of new national sub-national population projections and to assess the need for care homes; and the SHMA has been reviewed again following the publication of new household projections released by the Department for Communities and Local Government;
 - A further Call for Sites ran alongside the local plan consultation in 2014, and a full assessment of potential residential sites was completed on the same basis as sites included in the Strategic Housing Land Availability Assessment (SHLAA);
 - Further site assessments are underway to respond to a need for additional Gypsy and Traveller accommodation;
 - The Landscape Capacity Study - Sensitivity Study was commissioned to provide an additional layer of qualitative assessment such as broad landscape character sensitivity and visual sensitivity;
 - A detailed Landscape Capacity Study was completed for individual draft site allocations where the public had raised concerns about the impact of development on the landscape;
 - The council's Agricultural Land Classification Surveys have been supplemented for specific site allocations where objections were raised on the grounds of loss of best and most versatile agricultural land quality;
 - A Maidstone Qualitative Employment Site Assessment report was commissioned to assess the current employment land within the borough and make recommendations as to its future suitability for accommodating economic growth;
 - Further viability work has been undertaken (and is almost complete) to enable the council to respond to comments received on the affordable housing policy; and
 - Work on the Green and Blue Infrastructure Strategy has progressed with the completion of telephone surveys and stakeholder workshops; and draft open space standards and strategic open space allocations are nearing completion.
- 2.10 Concerns have been raised by Councillors, Parish Councils, local plan consultees, and resident groups about the provision of infrastructure for residential development allocated in the draft local plan and its relationship with existing infrastructure issues, primarily in the rural service centres. Through both planning processes, i.e. the allocation of sites in local plans and the

determination of planning applications, mitigation measures are sought in order to ensure no detriment to current problems in the delivery of development, but the planning processes cannot seek to mitigate existing infrastructure deficiencies. It is important not to allow existing issues that need to be addressed separately to impede the progress of the local plan if possible. To respond to these concerns, four Task and Finish Groups have been established to focus on existing infrastructure issues within the borough, seeking multi-agency action to address problems surrounding transport, health, education, and waste water/sewerage/flooding. These Groups meet, as required, to address existing problems and potential future issues as they arise. The progress and results of the Task and Finish Group meetings will be shared with local ward Councillors and Parish Councils and through stakeholder engagement events in liaison with, for example, Southern Water as it develops its Drainage Action Plans for the villages.

2.11 In between the formal consultation stages of a local plan's preparation, it is important to continue engagement with stakeholders:

- During autumn 2014 officers engaged with Parish Councils, residents' groups and other local groups through a series of liaison meetings to discuss the outcomes of the Regulation 18 public consultation on the draft Maidstone Borough Local Plan together with the new sites submitted through the 2014 Call for Sites exercise. Twenty-five individual meetings were held to discuss pertinent local issues. Generally these meetings were well received and provided useful information for all parties involved.
- Officers have also held a number of meetings with the Maidstone Committee of the Kent Association of Local Councils, and gave a commitment to evaluate its critique around the calculation of housing demand, including undertaking an independent review.
- Officers regularly give advice and guidance about the preparation of neighbourhood plans to Parish Councils and the Neighbourhood Forum. Twenty-one meetings have taken place since the close of the local plan consultation in May 2014, to help steer neighbourhood plans through the formal plan making process.
- There is continuous engagement with the development industry through correspondence, workshops and pre-applications discussions, to update site information and to ensure the provisions of adopted and emerging policies are met.

2.12 The "duty to cooperate" places a legal duty on local planning authorities and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but there is an increasing expectation that every effort should be made to secure agreement. Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their local plans, through the preparation of a compliance statement that accompanies the plan at submission stage. Officers are continuing to engage with neighbouring councils of Ashford, Tonbridge & Malling, Swale, Medway and Tunbridge Wells over strategic issues. Regular meetings are held with Kent County Council to discuss strategic highways, education and health matters in the context of future development proposals (in

addition to the Task and Finish Groups that are addressing existing infrastructure issues). The channels of communication with other infrastructure providers are also kept open to ensure the Infrastructure Delivery Plan is kept up-to-date.

- 2.13 For a local plan to be found sound at examination, the supporting evidence base must be robust and able to stand up to scrutiny, and the council must be able to demonstrate it has met the duty to cooperate. The reasons underpinning the failure of other local plans at examination assist in giving an understanding of the expectations of Inspectors, and officers will continue to monitor the Inspectors' reports. Additionally, officers have met with the Planning Inspectorate at various stages of local plan production to seek advice, and the process undertaken for the preparation of the local plan has been reviewed by the Planning Advisory Service, most recently in February 2015. Support from such organisations and feedback from the reviews are invaluable in increasing confidence in the draft plan, and giving an understanding of any vulnerable areas and potential mitigating actions that might be needed.
- 2.14 In order to progress the production of the Maidstone Borough Local Plan, a draft programme for the Committee's consideration is set out below (Table 2).

Date	Maidstone Borough Local Plan Progress
June to August 2015	Strategic Planning, Sustainability and Transport Committee consideration and approval of additional policies for Regulation 18 and 19 consultations
September 2015	Focused four week public consultation (Regulation 18) on key local plan policy/site allocation changes
October/November 2015	An informal Committee briefing on the draft Publication version of the local plan
December 2015	Strategic Planning, Sustainability and Transport consideration of the Publication version of the local plan for consultation (Regulation 19) and Submission to the Secretary of State (Regulation 22), followed by full Council approval
January/February 2016	Publication consultation (Regulation 19)
April/May 2016	Submission to the Secretary of State (Regulation 22)

Table 2: Maidstone Borough Local Plan programme to Submission stage

- 2.15 The average time local plans are proceeding from submission through examination to adoption is approximately one year, provided the plan is not suspended for further evidence to be completed. The above programme would therefore lead to an adoption date for the local plan of spring 2017.
- 2.16 There are a number of uncertainties associated with the programme, not least around the council's ability to meet its objectively assessed housing need and the completion of transport modelling to support the draft Integrated Transport Strategy and the transport policies of the local plan. The mitigation of risks to the timetable will become clearer by the August meeting of this Committee (provided a meeting in August is agreed). Subsequently, a review of the Local Development Scheme (LDS) will be presented to the Committee, setting out the programme for the production of the Maidstone Borough Local Plan and for the making of neighbourhood plans where known. Meanwhile, the Committee is

recommended to agree the draft programme for the local plan set out in Table 2 above.

Planning, Transport and Development Overview & Scrutiny Committee 21 April 2015

- 2.17 On 21 April 2015, the Planning, Transport and Development Overview & Scrutiny Committee recommended that the Strategic Planning, Sustainability and Transport Committee receive the SCRAIP report from the meeting:

“(1) That Maidstone Borough Council re-assesses the appropriate use of land in the Maidstone built up area while recognising the serious lack of natural and semi-natural open space in this area of Maidstone.

(2) Maidstone Borough Council Officers, as soon after the elections in May 2015 as possible, arrange a meeting at the Invicta Barrack site with MOD Officials and Councillors to assess and establish the area required to provide natural and semi-natural open space on the site and where suitable areas are for development on the site.”

- 2.18 The council has undertaken two ‘calls for sites’ since 2013 and has allocated or is proposing to allocate a number of sites on previously developed land (PDL) in the Maidstone built-up area as a result. Clearly, sites can only be allocated if the council is satisfied that they are available and deliverable and this is largely measured by the sites that are proposed and come forward. The council has a proven record of development on PDL within the urban area but, as Councillors will be aware, the supply of such sites is ultimately finite and limited, and over time the supply of suitable viable and deliverable sites will diminish. Open space provision is programmed for this Committee’s July agenda.
- 2.19 Contact has been made with MOD Estates with a view to setting up a site meeting at Invicta Park as soon as possible. Councillors will be updated on progress at the meeting on the 9 June. A full report on draft local plan policy H3 regarding future broad locations for housing growth (including Invicta Barracks) is programmed to be presented to the Committee in August (date subject to Committee agreement).

3. AVAILABLE OPTIONS

- 3.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires councils to prepare and maintain their Local Development Schemes (LDS), setting out a rolling three year programme of work to deliver local planning policy documents. There have been considerable changes to Maidstone’s LDS since it came into effect on 13 March 2013, and the reasons for those changes should be explained together with the publication of a revised programme for the Maidstone Borough Local Plan. The “do nothing option” would not meet the council’s duty to maintain an up-to-date Scheme.
- 3.2 A second option would be to review the LDS now, but this could result in the requirement for a further update of the Scheme following a number of outstanding matters that have still to be resolved, in particular the council’s

ability (or otherwise) to meet its objectively assessed housing need, the completion of Regulation 18 consultation, and the completion of transport modelling to support an updated Integrated Transport Strategy and the transport policies of the local plan.

- 3.3 A third option is to resolve outstanding local plan matters before the review of the LDS is undertaken, which has an advantage of establishing a more robust programme for the preparation of the local plan. As an interim measure this report recommends the approval of a draft timetable to Submission stage of the local plan, which can be placed on the local plan webpage and easily updated until such time as the review of the LDS is undertaken.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report is primarily a progress report on the draft Maidstone Borough Local Plan but there are options in respect of a review of the Local Development Scheme, which is the programme of work for the local plan. It is recommended that the review of the Scheme is deferred until such time as the local plan matters discussed in this report are resolved and, in the meantime that a draft timetable be approved for publication on the local plan webpage.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Formal public consultation on the Maidstone Borough Local Plan (Regulation 18) closed on 7 May 2014. Since then, engagement and consultation with stakeholders has continued on an informal basis. Formal and informal consultation feedback has assisted the decision making process in respect of recommended amendments to local plan policies and site allocations. Once this process is complete, further public consultation on key policy and site changes to the local plan (Regulation 18) is expected to take place in September 2015, prior to the approval of the Maidstone Borough Local Plan for Publication (Regulation 19) and Submission (Regulation 22). A Consultation Statement, explaining how the consultation stages of the local plan have helped to develop the plan, is required to support the local plan at submission stage.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Subject to Committee approval of the draft programme for the Maidstone Borough Local Plan, the timetable will be uploaded to the local plan webpage as an interim measure prior to a review of the Local Development Scheme.
-

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The adoption of the local plan will assist in the delivery of the council's corporate priorities.	Rob Jarman, Head of Planning & Development
Risk Management	Key risks to the local plan programme relate to the council's ability to meet its objectively assessed housing need and the completion of transport modelling to support the draft Integrated Transport Strategy (ITS) and the transport policies of the local plan. Two reports attached to this agenda present an update to the SHMA and a review of the council's housing land supply, which identify the risks to not meeting objectively assessed need. The transport modelling results are managed by KCC, and officers are pursuing a timely completion of the modelling together with the publication of a non-technical summary.	Rob Jarman, Head of Planning & Development
Financial	The development of the Local Plan has been fully funded as part of the council's revenue budget. The total spend from 2006/07 to 2014/15 is £1.8 m. At 31 March 2015, the budget has a balance of £353,480. The base budget for the next 3 years is £60k p.a. plus one-off funding of £480k from New Homes Bonus. The budget does not account for any additional costs arising from the risk that the local plan is found unsound or withdrawn, which would include the preparation of additional evidence, further consultations, and re-examination. This would need to be found from the council's revenue budget which already has a target to deliver £2.2 m savings in 2016/17 – 2018/19. The council will need to demonstrate financial rigour in terms of decisions that will incur avoidable unbudgeted expenditure.	Zena Cooke, S151 Officer & Ellie Dunnett, Finance
Staffing	During June a replacement Principal Planning Officer will join the Spatial Policy team but a Planning Officer is leaving. An advert has been placed to recruit a replacement Planning Officer together with a new Principal Planning Officer, which is a newly created post to build resilience into the team to ensure the	Rob Jarman, Head of Planning & Development

Issue	Implications	Sign-off
	local plan and related work/documents are delivered promptly and in accordance with a revised Local Development Scheme.	
Legal	There are no legal implications directly arising from this report, although the Legal Team continues to provide advice and guidance on local plan matters, and to review any legal implications of reports.	Legal Team
Equality Impact Needs Assessment	N/A	Anna Collier, Policy & Information Manager
Environmental/Sustainable Development	N/A	Rob Jarman, Head of Planning & Development
Community Safety	N/A	Rob Jarman, Head of Planning & Development
Human Rights Act	N/A	Rob Jarman, Head of Planning & Development
Procurement	Consultants are used to prepare specialist or technical evidence to support the local plan and are appointed in accordance with the council's procurement procedures.	Rob Jarman, Head of Planning & Development, & Zena Cooke Section 151 Officer
Asset Management	N/A	Rob Jarman, Head of Planning & Development

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

Strategic Planning, Sustainability & Transport Committee

9th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?	Yes
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Maidstone Borough Local Plan: Housing Sites Update

Final Decision-Maker	SPS&T Committee
Lead Director or Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Sarah Anderton, Principal Planning Officer (Spatial Policy)
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Committee takes account of the level of risk set out in this report in making future decisions on the emerging Local Plan

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable	
<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	n/a
Council	n/a
Other Committee	SPS&T Committee 9 th June 2015

Maidstone Borough Local Plan: Housing Sites Update

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 At its meetings on 2nd and 4th February and 9th March 2015, Cabinet made a series of decisions about housing sites included, or proposed to be included, in the draft emerging Maidstone Borough Local Plan (the Local Plan). An outcome of this decision making is that the draft Local Plan would provide for 2,201 fewer dwellings than would be required to meet the objectively assessed need figure of 18,600 homes (2011-31) in full. Cabinet also resolved that it wished to consider a further report which would set out the implications of this position for the production of a sound Local Plan. These implications are addressed in this report.
- 1.2 Cabinet additionally agreed that officers should urgently progress dialogue with infrastructure providers, particularly in relation to foul water, specifically for Headcorn and Staplehurst, to ensure that existing infrastructure concerns are addressed and works are progressed with the utmost urgency. Progress with this work is addressed in brief in this report.
- 1.3 This report:
 - Sets out the interim housing land position at 1st May 2015;
 - Considers the risks associated with progressing the Local Plan with the current shortfall against housing land requirements (the ‘objectively assessed need’); and
 - Considers options for the way forward.

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meetings on 2nd and 4th February and 9th March 2015, Cabinet considered the representations made regarding the 50 proposed housing sites allocated in Policy H1 of the draft Local Plan (Regulation 18 draft). These representations had been received during the public consultation on the draft Local Plan held between March and May 2014. Cabinet agreed that some sites should go forward for inclusion in a forthcoming Regulation 19 version of the Local Plan. It also decided that some sites should be deleted from the Local Plan and these deleted sites were agreed for incorporation into a further, focused Regulation 18 consultation. At the same meetings Cabinet considered the acceptability of 24 proposed new additional housing sites and accepted a number of them for inclusion in the focused Regulation 18 public consultation.
- 2.2 Progression of the Regulation 18 consultation needed to await decisions on proposed employment, mixed use and Gypsy and Traveller site allocations for inclusion in the same consultation as well as the Committee’s consideration of the risk analysis set out in this report.

2.3 The decisions made by Cabinet on the proposed housing sites can be summarised as follows;

- 42 sites and 1 part-site¹ identified in Policy H1 (yield 6,621 dwellings) were approved for Regulation 19 consultation
- For 19 (of the 43) sites identified in Policy H1, a revised yield was agreed from that stated in the Regulation 18 draft Local Plan
- 7 sites and 1 part-site identified in Policy H1 (yield 1,515 dwellings²) were deleted from the Plan and it was agreed that the deletion of these sites be subject to Regulation 18 consultation
- 15 new, additional sites (yield 408) were agreed for Regulation 18 consultation

2.4 These decisions impact on the overall housing supply position of the draft emerging Local Plan. The table below incorporates Cabinet's agreed changes (subsequent to call-in) and also updates the planning permissions information to 1st May 2015 to set out the latest, interim position. These figures do not include the full results of the latest housing monitoring for 2014/15 and should be regarded as interim figures.

	Dwellings	Totals
Objectively Assessed Need		18,600
Completed Dwellings 11/12, 12/13, 13/14	1926	
Planning Permissions (incl subj. S106 agreement) on non-allocated sites at 1 st May 2015	2612	
Yield from Policy H1 sites in Reg.18 Local Plan (of which 2518 have permission/subj s106)	6621	
Yield from Policy RMX1 sites in Reg.18 Local Plan (subj. to future Committee consideration) (of which 125 have permission/subj s106)	552	
Broad Locations at Maidstone Town Centre, Invicta Barracks, Lenham in Policy H3 (subj. to future Committee consideration)	3400	
Windfall allowance 2021-31	880	
Yield from additional new housing sites agreed by Cabinet for forthcoming Reg.18 consultation (of which 54 have permission/subj s106)	408	
Total potential supply		16,399
Unmet housing need (18,600 less 16,399)		2,201

2.5 This represents an interim draft 'snap shot' of the housing land supply position. Permissions are granted on an on-going basis so the specific number of

¹ H1(40) – Grigg Lane/Lenham Road Headcorn

² Yield taken from the Regulation 18 draft Local Plan

permitted dwellings can alter from day to day. Similarly, planning permissions can expire before they are implemented. The table does serve to confirm the overall scale of housing provision which the Local Plan, as revised, would make. The absolute figures may change modestly when the full result of the housing monitoring are known. At this point more than 7,200 dwellings have been built or have permission (including those subject to a section 106 agreement). The scale of the shortfall against the objectively assessed need of 18,600 dwellings (agreed by Cabinet on 10th September 2014) is some 2,201 dwellings. This equates to a shortfall of 11.8% of the identified need or, put another way, a shortfall of 2.4 years' worth of supply, based on the requirement for 930 dwellings per annum (dpa).

- 2.6 Attached to this agenda is a report recommending a revision to the objectively assessed need figure to 18,560 in response to the latest demographic projections. With the Committee's agreement to this figure, the scale of the shortfall will be 2,161 dwellings, equating to 11.5% of the identified need or a shortfall of 2.3 years' worth supply of housing land based on the requirement for 928 dwellings per annum.
- 2.7 To compare, the Regulation 18 version of the draft Local Plan provided for some 17,100 new homes at a time when the objectively assessed need figure was 19,600. The shortfall was therefore 2,500 dwellings equating to 12.8% of the identified need or 2.6 years' worth of supply based on the requirement for 980 dpa. Faced with this position, the decision was taken to undertake a further Call for Sites³.
- 2.8 Proportionately, the shortfall is now only marginally less than when the Regulation 18 version of the Plan was prepared. The gap between housing needs and supply has not substantially reduced as a result of recent decisions.

Reasons for the deletion of sites

- 2.9 Cabinet determined that seven sites and part of one additional site be subject to further Regulation 18 Consultation with a view to their deletion from the plan. The sites recommended for deletion and the reasons given are set out below.

Policy	Site address	Reason for deletion
H1(10)	South of Sutton Road Langley	(a) in the opinion of the Cabinet the eastern boundary of site H1 (5) forms a natural boundary to the edge of the urban area of Maidstone; (b) there should be no further encroachment of residential development into the countryside which would result in the loss of green space and a leisure facility; (c) there would be an unacceptable impact on conditions in the surrounding area where the

³ Cabinet 24th February 2014

		environmental and amenity consequences for the community are unacceptable now;
H1(25)	Tongs Meadow West Street Harrietsham	Following receipt of views from Natural England that they would be unlikely to consider issuing an EPS (European Protected Species) Development Licence given the fact that the site is a receptor site for a previous development
H1(31)	Ham Lane Lenham	Unacceptably adverse impact on the AONB and on the character of the village because it is peripheral to the settlement and beyond the open space occupied by Swadelands School playing field.
H1(39)	Ulcombe Road & Mill Bank Headcorn	Local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion.
H1(40) (Northern part)	Grigg Lane & Lenham Road Headcorn	It has not been demonstrated to the community's satisfaction that current foul water problems can be resolved and these will be exacerbated by any further development in this part of Headcorn and the unacceptable cumulative impact for the community and highways. In addition of community concerns that suitable highways access arrangements cannot be achieved at this point in time.
H1(41)	South of Grigg Lane Headcorn	Local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion.
H1(42)	Knaves Acre Headcorn	Local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion.
H1(48)	Heath Road Boughton Monchelsea	Due to concerns that the site will not be deliverable as the access to the site is not under the control of the site promoter.

2.10 As can be seen, Councillors gave a number of reasons for their decisions, but Councillors were primarily concerned on the majority of sites that the local infrastructure could not cope with additional development pressure, specifically noting education, roads and waste water, and that problems were not capable of appropriate mitigation. In the case of Headcorn for example, all of the sites in the Regulation 18 draft, with the exception of site H1(38) at Station Approach that has already received permission and part of the H1(40) Grigg Lane/Lenham Road site where there are also two extant planning permissions, were recommended for deletion for the reasons outlined above.

2.11 Councillors will be aware of the application lodged with the Council on land between Mill Bank and Ulcombe Road Headcorn (proposed deleted site H1(39))

in the Regulation 18 draft. The applicants lodged an appeal against the non-determination of the application and the application was reported to the Planning Committee on 16 April 2015. Planning Committee resolved that had the appeal not been lodged it would have granted planning permission for the development.

- 2.12 The application was not subject to an objection from Kent Highway Services as the applicant demonstrated that adequate highway mitigation could be provided. Similarly the applicant demonstrated that a drainage scheme could be delivered that would not worsen the existing situation. Lawfully, this is as much as the applicant needs to demonstrate. In terms of education provision it was demonstrated by the applicant in conjunction with Kent County Council that Headcorn Primary School is capable of expansion. The concerns of Cabinet have not been borne out by the decision of the Planning Committee in this case.
- 2.13 A total of twenty-four additional sites were recommended to Councillors for allocation in the January/February/March cycle of meetings. Cabinet resolved to accept 15 of those sites. The list below details the 9 sites that were rejected and the reasons given.

Proposed Policy no.	Site Address	Reason for not being allocated
H1(57)	Former Astor of Hever School Farm, Oakwood Rd Maidstone	That the site is retained for education use and development would be unacceptably compromised by the lack of adequate access.
H1(60)	Fant Farm Maidstone	The site is valuable for agriculture use, and would have an unacceptable impact on the landscape, including the overall shape of the urban area of Maidstone and the unacceptable highways impact for the local community
H1(61)	Land at Cross Keys, Bearsted	Development of this site would have an unacceptable impact on hydrology and local flood risk.
H1(64)	Bell Farm North, East Street Harrietsham	The cumulative impact of development having a detrimental effect on the character, size and shape of the village and community due to the increase in size and footprint of the village and unacceptable cumulative impact for the community for education provision, transport and other community infrastructure.
H1(65)	Land at Lenham Road Headcorn	Development is in reality impractical due to current water conditions and community perception of failure of

		infrastructure providers to deliver infrastructure identified as required in the past, local knowledge of flood risk and community concern about the cumulative impact on local education provision and highways.
H1(66)	Land south of The Parsonage, Goudhurst Rd Marden	The site is too peripheral to Marden and on the grounds that the cumulative impact of sites already considered in the draft Local Plan would be unacceptable to the community in terms of highways and water infrastructure and social balance.
H1(67)	Land south of Marden Road, Staplehurst	It has not been demonstrated to the community's satisfaction that current foul water problems can be resolved and these will be exacerbated by any further development in this part of Staplehurst and the unacceptable cumulative impact for the community and highways.
H1(68)	Land north of Henhurst Farm, Staplehurst	It has not been demonstrated to the community's satisfaction that current foul water problems can be resolved and these will be exacerbated by any further development in this part of Staplehurst and the unacceptable cumulative impact for the community and highways. In addition of community concerns that suitable highways access arrangements cannot be achieved at this point in time.
H1(69)	Land at Lodge Road, Staplehurst	The site should be retained for employment use given the economic upturn and that infrastructure must be improved to enable this to happen and the cumulative impact of residential development in Staplehurst on social balance.

2.14 Cabinet rejected the site at Cross Keys, Roundwell, Bearsted for allocation in the Local Plan (proposed site H1(61)) on the grounds of flood risk and the fact that the capacity of local schools could not be improved. A subsequent decision by Planning Committee saw the planning application approved subject to the completion of a s106 agreement. Planning Committee was sufficiently satisfied

that flood risk and the impact on local schools could be adequately mitigated. The subsequent Planning Committee decisions are included in the figures in the table at the front of the report .

- 2.15 There is some risk of reputational damage to the Council if the decisions made on the Local Plan and those being made by Planning Committee continue to be out of step.
- 2.16 Councillors will also be aware of the applications that have been submitted and determined on the allocated Regulation 18 sites and also some of the more recently proposed sites yet to be subject to consultation. With the number of applications that have or are being submitted and determined, the available 'pot' of potential CIL money is steadily reducing. This risk will increase the longer an adopted Local Plan takes to put in place and has been compounded by recent legislative changes which limits the number of sites from which s106 contributions can be pooled to 5 sites.

Overall context – the National Planning Policy Framework (NPPF)

- 2.17 The Government's clear intention is to increase the number of new homes being built. One of the objectives of the National Planning Policy Framework is "to boost significantly the supply of housing"⁴. To this end, councils must "ensure their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period." (emphasis added).
- 2.18 The NPPF requires that the objectively assessed need for new homes be established through Strategic Housing Market Assessment (SHMA) as a first step to be followed by the identification of sites sufficient to meet the identified need through a Strategic Housing Land Availability Assessment (SHLAA).⁵
- 2.19 The Government is also committed to planning decisions being plan-led. The NPPF confirms that Local Plans provide the framework for planning application decisions to be made "with a high degree of predictability and efficiency"⁶. This is at the heart of the planning system. Having a sound Local Plan in place helps to give valuable certainty to all those with an interest in where, when and how future development takes place including existing and future local residents, developers, landowners and service providers.
- 2.20 For plan making, the presumption in favour of sustainable development requires councils to "positively seek opportunities to meet the development needs of their areas"⁷ unless to do so would 'significantly and demonstrably outweigh the benefits'. This point is sufficiently important for it to be repeated later in the NPPF document; "every effort should be made to objectively identify and then

⁴ Paragraph 47 of the NPPF

⁵ Paragraphs 47 & 159 of the NPPF

⁶ Paragraph 17 of the NPPF

⁷ Paragraph 14 of the NPPF

meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth”⁸ (emphasis added)

2.21 The very strong presumption in the NPPF is that a council should work assiduously to meet its area’s identified need for additional housing. The Local Plan’s approach to securing an adequate and appropriate level of housing will be a key issue at the Examination. Reviewing recent Local Plan Inspectors’ letters and decisions gives some insight into how the Planning Inspectorate is interpreting this national policy.

Recent Inspectors’ Decisions

2.22 The Local Plan Inspector will determine whether the submitted Local Plan is sound. The starting point for this consideration is that the council has submitted a plan which it believes to be sound. The Inspector can reach one of three conclusions on a Local Plan following its Examination:

- That the Plan is sound and legally compliant (including that it has met the Duty to Co-operate obligations) and can be adopted; or
- That the Inspector recommends ‘main modifications’ to the Plan to make it sound and legally compliant. These main modifications must be subject to public consultation after which the Inspector will issue his/her final decision letter; or
- That the Plan is unsound and should be withdrawn.

2.23 Where the Inspector has early, fundamental concerns about a Plan, s/he can advise that it be withdrawn prior to the start of the Examination. During the Examination, the Inspector could propose that the Examination hearings be suspended for a limited period to enable the Council to undertake further work to address an identified issue. In opting for a suspension, rather than withdrawal of the Plan, the Inspector would judge whether there was a reasonable prospect that the shortcoming/s could be addressed sufficiently within a fixed timescale to make the Plan sound.

2.24 To be judged sound, the Local Plan must demonstrably meet the tests sets out in paragraph 182 of the NPPF, namely that it is:

- Positively prepared – the plan should meet identified development and infrastructure requirements, provided this is consistent with sustainable development;
- Justified – it is the most appropriate strategy based on proportionate evidence;
- Effective – the plan must be deliverable; and
- Consistent with national policy

2.25 Officers have been monitoring Inspectors’ decision letters and their pre/post Examination correspondence with local authorities. The current cohort of Plans which have completed the Examination process are ‘old style’ core strategy Local Plans which set out the overarching development strategy for an area but do not include a full set of detailed land allocations and development management policies. To date, no comprehensive new-style Local Plans akin to

⁸ Paragraph 17 of the NPPF

Maidstone's emerging Local Plan have successfully completed the Examination process. Locally, Canterbury City Council submitted a 'full' Local Plan to the Planning Inspectorate in November 2014 and Swale BC did so in April 2015..

- 2.26 Twelve Local Plans covering areas outside London (where borough housing requirements are set through the London Plan) have been found sound between October 2014 and May 2015. Significantly, eleven of these provide for the area's objectively assessed need for housing in full. For the twelfth (Wiltshire), the Inspector increased the plan's housing target based on what he determined was the likely objectively assessed need for housing pending the preparation of a SHMA in 2016 and with the council committing to undertake an early review of the Plan. He also required the target to be expressed as a minimum.
- 2.27 The converse of this is an assessment of the reasons recently submitted Local Plans have failed. Since January 2014, 2 plans have been found unsound, 9 Plans were withdrawn from Examination and 13 have had their Examinations suspended. Of these 24 Plans, the Inspectors for 22 of them had serious concerns about the housing target proposed. The basis for these concerns was that:
- the housing target was too low compared with the objectively assessed needs;
 - the objectively assessed need was not used as the starting point for the target; and/or
 - the objectively assessed need for housing had been underestimated.
 - In one case, the County Durham Plan, the Inspector indicated that the Council's objective assessment of housing needs is too high because it is based on unrealistically high assumptions of jobs growth and associated inward migration.
- 2.28 In an overriding number of recent cases, inadequate housing provision has been a determining factor in the failure of Plans to reach adoption, or has put the soundness of a plan at risk. Inspectors are consistently concluding that the housing targets in emerging Plans are too low, not too high. Inspectors are testing Strategic Housing Market Assessments to check that they are genuinely objective assessments of need based on the most up to date information available. Once convinced of the scale of the need for housing, Inspectors are then stringently examining the extent to which Local Plans will secure a step change in the delivery of housing to meet needs and thereby help to boost supply as required by paragraph 47 of the NPPF.
- 2.29 On this analysis, any shortfall in the amount of housing relative to the objectively assessed need figure will be a risk to the soundness of the Plan. The risk will only be mitigated if there is a robust justification on planning grounds for why, despite best efforts, the full requirement cannot be met.

Constraints

- 2.30 The objectively assessed housing need figure is the starting point for the level of housing which the Local Plan should provide for but it is not the same as the Plan's housing target. The Minister of State for Housing and Planning has

recently underlined this point, stating in his letter to the Planning Inspectorate dated 19th December 2014 that the objectively assessed need figure is not automatically a proxy for a Local Plan's housing number. The Minister's letter confirms that councils can take account of environmental and policy constraints which indicate that development should be restricted in determining what their housing target should be.

- 2.31 The Minister's letter reiterates the process which is set out in the National Planning Practice Guidance; "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"⁹ (emphasis added). The housing target can be less than the objectively assessed need if there is robust, defensible evidence of constraints.
- 2.32 There is therefore a clear sequence of assessments – the Strategic Housing Market Assessment (SHMA) and then the Strategic Housing Land Availability Assessment (SHLAA) - to confirm the overall capacity to meet, or otherwise, housing needs.
- 2.33 Further, the NPPF is specific about the types of policies which could constrain meeting objectively assessed needs in full; "for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt; Local Green Space; an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion."¹⁰
- 2.34 The Inspector for the Harrogate Sites and Policies DPD for example was critical that that the Council had failed to substantiate its argument of constraints as a reason not to meet its OAN. He considered that the constraints had been expressed in only very general terms with no analysis of the magnitude of the constraints and he specifically referred to the NPPF paragraph quoted above, highlighting that some of the constraints the Council was relying on fell within and some outside this definition. The Plan was withdrawn in May 2014 based in part on the Plan's failure to meet the objectively assessed housing need.
- 2.35 The Inspector for the Derbyshire Dales Local Plan stated that the Council needed to revisit the constraints that apply to the area in the light of the objectively assessed need for housing. The Plan was withdrawn in October 2014.
- 2.36 Whilst recognising the significance of the constraints applying to the Runnymede Core Strategy Local Plan, specifically Green Belt, flood risk and a Special Area of Conservation, the Inspector did not consider that the Council

⁹ NPPG paragraph 45 'Housing and economic land availability assessments'

¹⁰ NPPF Paragraph 14, footnote 9

had positively sought opportunities to meet housing needs. The Council has now withdrawn the Plan.

- 2.37 The methodology of the Council's SHLAA has ensured all the NPPF listed constraints (where relevant) have been assessed as part of the assessment of potential housing sites. The considerations are set out in the site assessment template (proforma) approved by the Cabinet Member for Planning, Transport & Development.
- 2.38 Constraints have and are being assessed in an evidence-based way through the following work streams:
- Maidstone Landscape Character Assessment
 - Landscape Capacity Study - Sensitivity Study
 - Agricultural Land Classification Study
 - Strategic Flood Risk Assessment
 - Traffic modelling
- 2.39 Cabinet and the Planning, Transport and Development Overview & Scrutiny Committee both expressed strong concerns about the cumulative impact of development on particular settlements, in particular the impacts on infrastructure capacity. In making its decisions, Cabinet highlighted concerns about highway and sewerage capacity in particular, in addition to education provision and community infrastructure more generally.
- 2.40 The NPPF states that "Local Plans should plan positively for the development and infrastructure required in the area"¹¹ and requires Councils to work collaboratively to assess the quality and capacity of infrastructure for transport, water supply, wastewater, energy, telecommunications, utilities, waste, health, social care, education, flood risk and its ability to meet forecast demands and to take account of the need for strategic infrastructure.¹²
- 2.41 There is a very important distinction which must be made between current deficiencies in the adequacy and efficiency of existing infrastructure which local communities are experiencing and the additional impact generated by planned development. The NPPF¹³ is clear that developer contributions should only be sought through planning obligations (section 106 agreements) where they are;
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.42 It is not therefore the role of future development to rectify the shortcomings in current provision or that of the past. Development must however address the reasonable, additional demands on physical and social infrastructure which the development itself will generate.
- 2.43 Local residents have expressed firmly their frustrations about the adequacy of specific services and facilities in their neighbourhoods. It is very

¹¹ NPPF Paragraph 157

¹² NPPF paragraph 162

¹³ NPPF paragraph 204

understandable that, faced with their day to day experiences, there is strongly felt scepticism about the actual capacity for additional development in their areas.

- 2.44 In response, the Council can use its influence, resources and expertise to encourage the infrastructure providers to better address existing inadequacies. Such action is not contingent on the Local Plan. It can take place now to a timetable independent of the Local Plan. To this end, four working groups termed 'Task & Finish Groups' have been set up for (i) transport, (ii) waste water and sewerage, (iii) health and (iv) education. These will actively work with the responsible organisations (Kent County Council, Southern Water, NHS Clinical Commissioning Groups) to understand more fully the current deficiencies and to agree future actions.
- 2.45 Turning to the infrastructure needs that will be generated by future development, Councillors will recall that the relevant infrastructure providers have advised on the scale and nature of future requirements as the Local Plan has progressed. To date, these responsible agencies have not provided the Council with defensible evidence that the cumulative impacts of development proposed in the draft Local Plan (Regulation 18) could not be addressed. In these circumstances, Leading Counsel's view is that the risk of the plan being found unsound is very real.
- 2.46 Work on green and blue infrastructure requirements is also progressing with draft open space standards and strategic open space allocations nearing completion.
- 2.47 Councillors should also be aware that the Local Plan Inspector will undertake a pre-examination health check on the Local Plan and it is likely that, given the significant gap between the supply of sites and the objectively assessed housing need, he or she would advise that the plan should not proceed to examination. Consequently, it would be prudent, in order to avoid that further delay at a later stage, to reduce that shortfall prior to the pre examination check. Councillors will be aware that the sooner an adopted local plan is in place, the less risk there is of ad hoc unplanned housing development being permitted on appeal.

Housing trajectory

- 2.48 The Local Plan includes a housing trajectory which sets out the actual and expected pattern of dwelling completions for the whole 20 year Local Plan period. To secure a continuous supply of housing land, the trajectory should comprise:
- A supply of specific, deliverable sites for the first 5 years post adoption
 - A supply of specific, developable sites or broad locations for years 6-10 and where possible for years 11-15.¹⁴

¹⁴ NPPF paragraph 47

- 2.49 A deliverable site should be both available and suitable for development with the realistic prospect that it will be developed within the next 5 years. To be developable, a site should be suitable with the expectation that it will be available and viably developed at the specified point in the future.
- 2.50 The components of supply which feed into the Local Plan's housing trajectory are:
- Completions
 - Planning permissions
 - Local Plan allocations
 - Local Plan broad locations
 - Windfall allowance
- 2.51 The supply from these sources becomes increasingly more definitive moving from the bottom to the top of the above list. Windfalls are brownfield sites which have not been specifically identified in advance through the Local Plan process but which will nonetheless subsequently contribute to the borough's housing land supply. The three broad locations are more specific as they have been identified in the draft Local Plan as locations where development will be acceptable and deliverable in the longer term. The sites allocated for housing in Policies H1 and RMX1 of the draft Local Plan are clearly defined, policy criteria for their development are in place and the sites' availability and suitability has been demonstrated through the SHLAA process. There is therefore a very high degree of certainty associated with allocated sites' contribution to housing supply. Planning permissions are more definite still, the exact details of the new housing having been confirmed through the planning application process culminating in the completion of the new homes on site.
- 2.52 It is crucial to ensure a sufficient rolling pipeline supply coming through the planning system. For the system to be genuinely plan-led, this means allocating sites in the Local Plan, to direct and control where and in what circumstances planning consents will be granted and where they will not.
- 2.53 With the onus in the NPPF that the planning system is to be plan-led and to provide certainty of decision making, it follows that having a sufficient supply of confirmed site allocations in the Local Plan will help it to comply with two of the tests of soundness, namely that it has been both 'positively prepared' and that it is 'effective', i.e. it is deliverable.
- 2.54 Annual completion rates are a measure of past delivery. These are set out in the Council's Annual Monitoring reports. To meet the proposed objectively assessed need for new homes would require an average rate of completions of 928 dwellings per annum (dpa) over the 20 years of the Local Plan. By way of comparison, the average rate of completions over the past 5 years to April 2014 has been 631dpa, and over the past 10 years has been 688dpa. This illustrates that a significant step change in the pipeline supply of housing will be needed to achieve the rates of delivery required to meet the expected population growth.
- 2.55 Allocating specific sites in the Local Plan is the best way for the council as the local planning authority to secure the necessary uplift in supply and hence the delivery of homes on the ground.

5 year supply

- 2.56 The 5 year supply figure represents the amount of housing which is available and is expected to be delivered within the forthcoming 5 year period. It is not sufficient for the Council simply to be able to identify five years' worth of housing land; it must demonstrate that it has at least five years' worth of housing that will be built within the forthcoming five years. The Council's 5 year housing land supply position is updated annually at a snapshot date of 1st April.
- 2.57 The Committee will be provided with the finalised position on 5 year supply at the snapshot date of 1st April 2015 at its July meeting. At 1st April 2014 the Council was able to demonstrate a 2.1 year supply of housing land. The 1st April 2015 position is expected to be an improvement on the 2014 position but is unlikely to reach a 5 year supply.
- 2.58 Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. This means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole¹⁵.
- 2.59 It is anticipated that housing supply will have to increase significantly from current levels for the Council to be able to demonstrate a 5 year supply. Simply relying on the granting of planning permissions is unlikely to achieve the uplift in supply needed to secure a 5 year land supply. An adopted Local Plan which allocates sufficient suitable sites to secure a rolling supply of housing land is considered the best way the Council can secure full control over future development.

3. AVAILABLE OPTIONS

- 3.1 Taking account of the commentary above, there are a number of potential options to consider.
- 3.2 **A) 'Do nothing further' option - progress the Local Plan with the current shortfall against the objectively assessed needs:** A shortfall of any scale represents both reputational and financial risk to the success of the Local Plan at Examination. As highlighted, no recent plans have been found sound with a housing target lower than the objectively assessed need figure and in this context the current gap can be regarded as a significant risk given the scale of the shortfall and the lack of demonstrable constraints. Leading Counsel's advice supports this.

¹⁵ NPPF paragraph 14

- 3.3 **B) Undertake a further call for sites:** Call for Sites exercises have been undertaken in 2013 and 2014 and prior to this in 2008. The 2014 Call for Sites was undertaken in full knowledge of the need for 19,600 new homes at that time. On this basis, it is considered that the Council already has a good level of information on the availability and suitability of potential housing sites in the borough and that this information is sufficient to make decisions about future allocations. This approach chimes with the NPPF requirement that Local Plans should be based on proportionate evidence.¹⁶
- 3.4 **C) Consider allocating sites adjacent to settlements not currently identified for expansion:** The Local Plan's strategy is to allocate sites in and adjacent to the most sustainable settlements in the borough namely Maidstone, the Rural Service Centres of Marden, Staplehurst, Headcorn, Harrietsham and Lenham and the Larger Villages of Sutton Valence, Coxheath, Eyhorne Street (Hollingbourne), Yalding and Boughton Monchelsea. These settlements have been identified based on an assessment of services and facilities in the borough's villages and towns which forms part of the evidence base of the Plan. It is considered that other settlements do not have the level of facilities to make them sufficiently sustainable for significant additional new housing. This position is supported by a very recent planning appeal for 15 dwellings at the edge of Langley where the Inspector noted that the village had few facilities aside from a doctor's surgery and a village hall and that bus services were limited in frequency. He concluded that the development's occupants would be reliant on private cars for most journeys and this was one of the determining factors which led to the dismissal of the appeal.¹⁷
- 3.5 **D) Consider including additional 'broad locations' in the Plan:** The draft Local Plan (Regulation 18) currently identifies three broad locations where development will come forward in the latter period, 2026-31. A candidate for this approach could be Headcorn which is identified as a Rural Service Centre but which now has only one allocated housing site for 45 dwellings which already has permission. There would need to be a clear justification why development was being pushed back to a later part of the Plan period. Weighing strongly against this approach is the evidence through the SHLAA that suitable sites at the edge of Headcorn (for example) are available for development now. Indeed Planning Committee has determined that it would have granted permission at the Mill Bank/Ulcombe Road site in Headcorn had the appeal not been lodged. Further, this approach would reduce the degree of certainty the Local Plan would give to all interested parties, including utility providers making their forward plans. In addition, this approach does not help to maximise the definite site allocations included the Local Plan which will be the best and most timely way for the Council to establish a 5 year land supply.
- 3.6 **E) Reconsider the sites excluded from the Plan:** An option which reduces the identified risks to the soundness of the Local Plan is for the Committee to decide to include additional sites in the Local Plan from the candidates recommended during the January/February/March cycle of meetings. This would include re-considering both the re-instatement of the sites deleted from

¹⁶ NPPF paragraph 182

¹⁷ Land north of Horseshoes Lane, Langley. Decision dated 16th February 2015.

the Regulation 18 version of the Plan (7 sites and 1 part site) and the allocation of more of the additional sites (15 sites).

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is considered that the best option at this stage in the Local Plan making process is for additional sites to be allocated in the Local Plan (Option E above).
- 4.2 Officers are advising this course of action because;
- Evidence of infrastructure constraints is not being substantiated by the relevant infrastructure providers, in particular in their responses to planning applications on the same sites
 - As set out elsewhere in this report, an unsubstantiated gap between housing needs and supply is a significant risk to the soundness of the Plan.
 - Applications are being submitted on the sites identified in the Local Plan, and recommended to be included in the Plan, on an on-going basis. Planning applications have been submitted or determined on 30 of the 54 housing/residential mixed use sites allocated in the Regulation 18 version of the Local Plan (March 2014). Planning Committee's decisions are overtaking those being made through the Local Plan process in contravention of a 'plan-led' approach.
 - It best supports getting a sound Local Plan in place in a timely way. Any alternative decision which adds delay to the progress of the Plan could result in the submitted Plan having less than a 14 year time horizon, when the preference in the NPPF¹⁸ is for Local Plans to look ahead 15 years. This would bring some further risk to the Plan at Examination.
- 4.3 There are real risks that the Local Plan Inspector would give an early indication that more must be done to eradicate the gap between objectively assessed housing needs and housing supply and s/he would recommend that the draft Plan is likely to be found unsound. This would only result in the Council being back in the position it is in at the current time embarking on the same exercise to allocate more sites but with many months lost. As explained in the body of this report, the longer delay there is before a local plan is adopted the longer the period is in which ad hoc and uncontrolled planning permissions come forward.
- 4.4 Relevant to this overall consideration of the way forward is the requirement that the Council must fulfil its **duty to co-operate**. The Local Plan Inspector will test whether the Council has complied with its legal duties. It will be necessary to demonstrate to the Inspector's satisfaction that co-operation with other councils and agencies has been both on-going and positive. Faced with Maidstone not being able to meet its housing needs in full it will be necessary to approach councils within the same housing market area in the first instance, namely Tonbridge & Malling and Ashford Borough Councils. The councils which are approached will analyse the strength of the Council's case for not meeting its

¹⁸ NPPF paragraph 157

own needs in addition to their own capacity for additional housing. As other councils are faced with challenging housing targets of their own, which could result in reciprocal requests for this borough to accommodate other boroughs' needs, it is right that there is a degree of realism about the outcomes of the co-operation process.

- 4.5 Should duty to co-operate discussions have failed to bridge the gap between housing need and supply, there is some risk that the Local Plan Inspector will expect the Council to have robustly examined its constraints in accordance with the guidance in the NPPF with the continued aim of trying to meet its needs in full.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Local Plan is subject to repeated and widespread consultation during its preparation. Further Regulation 18 consultation is planned for late summer prior to Regulation 19 consultation on the next full draft of the Local Plan in the New Year.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Committee's decisions will be actioned through the next preparatory stages of the Local Plan.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Having an adopted Local Plan in place will help to deliver both of the Council's Corporate Priorities	Sue Whiteside, Team Leader (Spatial Policy)
Risk Management	This report is primarily concerned with identifying the risks associated with decisions on housing allocations, and the scale of the unmet housing need, in the emerging Local Plan and these are set out in the main body of the report.	Sue Whiteside, Team Leader (Spatial Policy)
Financial	The development of the Local Plan has been fully funded as part of the council's revenue budget. The total spend from 2006/07 to 2014/15 is £1.8 m. At 31 March 2015, the budget has a balance of £353,480. The base budget for the next 3 years is £60k p.a. plus one-off funding of £480k from New Homes Bonus. The budget does not account for any additional costs arising from the risk that	Zena Cook (Section 151 Officer) & Ellie Dunnet (Chief Accountant)

	the local plan is found unsound or withdrawn, which would include the preparation of additional evidence, further consultations, and re-examination. This would need to be found from the council's revenue budget which already has a target to deliver £2.2 m savings in 2016/17 – 2018/19. The council will need to demonstrate financial rigour in terms of decisions that will incur avoidable unbudgeted expenditure.	
Staffing		Rob Jarman, Head of Planning & Development
Legal	Advice on the legal implications has been incorporated into the body of the report.	Kate Jardine, Solicitor, Team Leader (Planning)
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development	The Local Plan is fundamentally concerned with delivering sustainable development objectives.	Sue Whiteside, Team Leader (Spatial Policy)
Community Safety		Sue Whiteside, Team Leader (Spatial Policy)
Human Rights Act		Sue Whiteside, Team Leader (Spatial Policy)
Procurement	N/A	Rob Jarman Head of Planning & Development , Zena Cook, Section 151 Officer
Asset Management		Sue Whiteside, Team Leader (Spatial Policy)

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

Strategic Planning, Transport & Sustainability Committee

9th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?	Yes/No
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Neighbourhood Planning: Changes to decision making arrangements

Final Decision-Maker	SPT&S Committee
Lead Director or Head of Service	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Jillian Barr, Principal Planning Officer (Spatial Policy) Rachel Elliott, Planning Officer (Spatial Policy)
Classification	Non-exempt
Wards affected	All Wards

This report makes the following recommendations to the final decision-maker:

1. That the Committee considers and approves the revised decision making arrangements framework for Neighbourhood Planning set out in paragraph 4.2 of this Report.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Policy and Resources Committee	n/a
Council	n/a
Other Committee	SPT&S Committee 9 th June 2015

Neighbourhood Planning: Changes to decision making arrangements

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this Report is to recommend a revised internal decision making framework for Neighbourhood Planning.
- 1.2 The revised framework is necessary to ensure that the Council is able to effectively support Neighbourhood Planning groups through the Neighbourhood Development Plan preparation process. The amended decision making framework will assist officers to make timely comments during key stages of consultation.
- 1.3 The revised framework takes account of the change in governance arrangements to a committee system, which is required to provide clarity for those using the framework.

2. INTRODUCTION AND BACKGROUND

- 2.1 The Localism Act 2011 (the Act) empowers local communities to take responsibility for the preparation of aspects of planning policy for their area through a Neighbourhood Plan. The National Planning Policy Framework (NPPF) states that “Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”¹.
- 2.2 Crucially, a Neighbourhood Plan becomes part of the Development Plan once it has officially been “made”. It will have statutory weight in the council’s decision making process for planning applications. Planning legislation requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise². There is a duty on the council to provide advice or assistance to those preparing Neighbourhood Plans³. Advice and guidance on the preparation of neighbourhood plans is available on the council’s website.
- 2.3 Emerging plans, including emerging Neighbourhood Plans, may be given weight in the determination of planning applications. The degree of weight that

¹ Paragraph 183

² Planning & Compulsory Purchase Act 2004 section 38(6).

³ Town and County Planning Act 1990 Schedule 4B

may be given will be dependent on how far advanced the plan is, the extent and nature of objections to the plan and its consistency with the NPPF.

2.4 In overview, the steps in the preparation of a Neighbourhood Plan are as follows:

Stage	Regulation ⁴
Designation of the Neighbourhood Area. This is the area which the plan will cover	Regulation 5,6,7
Neighbourhood group prepares a draft plan	
Neighbourhood group undertakes 6 week public consultation on the draft plan, with publicity co-ordinated by Maidstone Borough Council.	Regulation 14
Neighbourhood group submits the finalised plan to Maidstone Borough Council. Maidstone Borough Council issues a decision notice to confirm whether the legal requirements have been met.	Regulation 15
Maidstone Borough Council co-ordinates formal public consultation on the plan for at least 6 weeks.	Regulation 16
Examination carried out by an Independent Examiner and funded by Maidstone Borough Council	Regulation 17
Based on Examiner's report, Maidstone Borough Council determines whether to approve/reject the plan with/without modifications.	Regulation 18
Referendum organised and funded by Maidstone Borough Council held in the Neighbourhood Area and, if the outcome is positive, the Neighbourhood Plan is officially "made".	Regulation 19,20

2.5 The various duties and responsibilities placed on Maidstone Borough Council by the Regulations can be summarised as follows:

- Providing technical advice and support to those preparing Neighbourhood Plans;
- Checking that the plan meets all the technical and legal requirements;
- Publicising the Plan and receiving representations;
- Organising and funding the examination including appointing an examiner;
- Organising and funding the referendum.

2.6 With respect to the technical and legal requirements, the Planning Advisory Service (PAS) has produced a useful checklist⁵ for local authorities to use when checking whether the submitted plan has met its legal requirements (see Regulation 15 in the table above).

⁴ Neighbourhood Planning (General) Regulations 2012 (SI/2012/637)

⁵ A Guide for Councils: meeting your authority's legal requirements for Neighbourhood Development Plans, PAS (November 2013)

- 2.7 A Neighbourhood Plan must pass an examination before it can go forward to a referendum and thereafter be “made”. It is the examiner’s role to test whether the plan meets the specified ‘basic conditions’ that the plan:
- Has had regard to national policy and guidance from the Secretary of State;
 - Contributes to sustainable development;
 - Is in general conformity with the adopted strategic policies of the development plan for the area or any part of that area; and
 - Does not breach or is otherwise compatible with EU obligations (including the Strategic Environmental Assessment Directive).
- 2.8 The plan must also be a genuine land use plan with policies that relate to the development and use of land, and which are capable of being applied in the determination of planning applications.
- 2.9 Plans should also be supported by a proportionate evidence base. The evidence base supporting the emerging Local Plan is extensive and neighbourhood groups can make use of this evidence in determining how borough needs will be delivered at the local level.
- 2.10 The focus of the council’s advice to neighbourhood groups should relate to whether the emerging plan meets the basic conditions, and whether or not the process has been followed in accordance with the Regulations. This is where the council’s input can be of the greatest value as these are the matters which will determine the success of the plan at examination.

General conformity

- 2.11 One of the basic conditions is that a Neighbourhood Plan must be in general conformity with the strategic policies of the development plan. For this borough, the development plan comprises:
- Saved policies of the adopted Maidstone Borough-wide Local Plan (2000)
 - Open Space DPD (2006); Affordable Housing DPD (2006) and
 - Saved policies in the adopted Kent Waste Plan and specific Kent minerals plans (KCC)
- 2.12 For clarity, the policies from these documents which are both strategic and have a degree of consistency with the NPPF have been identified and are listed on the council’s website. These are the policies with which a Neighbourhood Plan must be in general conformity.
- 2.13 It is not an absolute requirement for a Neighbourhood Plan to be in conformity with the emerging Local Plan. It is nonetheless clear that the emerging strategic policies and priorities, and importantly the substantial evidence which underpin them, are relevant to Neighbourhood Plans, particularly if the Neighbourhood Plan is to have a lifespan after the adoption of the Local Plan. A Neighbourhood

Plan which provides additional detail to help shape the development proposed in the emerging Local Plan could be particularly valuable.

Decision-making process

2.14 The currently agreed framework is reproduced below:

Stage	Description	Decision method	Decision taker
1	Designation of the neighbourhood area (Regulations 6/7)	Internal consultation with ward members/ adjoining ward members	If officer view is to approve, and there is no contrary Member view, decision delegated to Officers. If officer and/or Member view is to refuse, refer decision to Cabinet Member*.
2	Designation of neighbourhood forum (if no Parish Council) (Regs 8/9/10)	Internal consultation with ward members/ adjoining ward members	If officer view is to approve, and there is no contrary Member view, decision delegated to Officers. If officer and/or Member view is to refuse, refer decision to Cabinet Member*.
3	Maidstone Borough Council consulted on draft Neighbourhood Plan/Neighbourhood Development Order/community right to build order (Reg 14/21)	Internal consultation with ward members/ adjoining ward members/Cabinet Member [NB parish/forum is responsible for consulting neighbouring authorities, including adjoining parishes and KCC, on its plan/order]	Cabinet Member Report* to consider Maidstone Borough Council comments on draft plan/order

Stage	Description	Decision method	Decision taker
4	Maidstone Borough Council consulted on submission version of the Neighbourhood Plan (Reg 16)	Internal consultation with ward members/ adjoining ward members/Cabinet Member	Cabinet Member Report* to consider Maidstone Borough Council comments on submission draft plan.
5	Decision to approve/reject/ modify the plan/order post Examiners Report (Reg 18/25)	Cabinet Report	Cabinet*
6	Decision to adopt plan/order post Referendum (Reg 19/20/26/27)	Cabinet Report	Cabinet* then Full Council

* subject to normal call in procedures.

2.15 Following the recent change to the Committee structure at Maidstone Borough Council, and continued experience of implementing the framework, it is now proposed that further changes are made to the way decisions are made at key stages in the Neighbourhood Planning process.

3. AVAILABLE OPTIONS

- 3.1 The council has statutory responsibilities for ensuring that Neighbourhood Plans have been properly prepared and that key criteria for Neighbourhood Plans have been complied with.
- 3.2 The option of revising the framework for decision making will provide clarity and an efficient, working system for officers dealing with Neighbourhood Planning, as well as the qualifying bodies preparing the Neighbourhood Plans. It will ensure that Maidstone Borough Council is able to make a timely response to the Regulation 14 consultation.
- 3.3 The “do nothing” option, is to leave the framework as previously agreed. This will mean that the framework for decision making is out of date. In addition, it could pose a possible risk of late submission of formal Maidstone Borough

Council comments to the Parish Council during their statutory 6 week Regulation 14 consultation.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to revise the framework for decision making to take into account the practical issues that have been highlighted through the implementation of the existing framework.
- 4.2 The recommended revised framework is set out below:

Stage	Description	Decision method	Decision taker
1	Designation of the neighbourhood area (Regulations 6/7)	Internal consultation with ward Councillors/ adjoining ward Councillors	If officer view is to approve, and there is no contrary Councillor view, decision delegated to Officers. If officer and/or ward Councillor view is to refuse, refer decision to SPT&S Committee.
2	Designation of neighbourhood forum (if no Parish Council) (Regs 8/9/10)	Internal consultation with ward Councillors/ adjoining ward Councillors	If officer view is to approve, and there is no contrary Councillor view, decision delegated to Officers. If officer and/or ward Councillor view is to refuse, refer decision to SPT&S Committee.
3	Maidstone Borough Council consulted on draft Neighbourhood Plan/Neighbourhood Development Order/community right to build order (Reg 14/21)	[NB parish council/ forum is responsible for consulting neighbouring authorities, including adjoining parishes and KCC, on its plan/order]	Delegated responsibility of Head of Planning.
4	Maidstone Borough Council consulted on submission version of the Neighbourhood Plan (Reg 16)	SPT&S Report	SPT&S Committee

5	Decision to approve/reject/modify the plan/order post Examiners Report (Reg 18/25)	SPT&S Report	SPT&S Committee
6	Adopt/Make plan post Referendum	Report to Full Council	Full Council

- 4.3 The only amendments that have been proposed to the Regulations 6 – 10 stages are to replace the references to “Cabinet” and replace with “SPT&S Committee”. This amendment is recommended to update the framework following the change the Committee system. These stages will be subject to a statutory consultation period, in which ward and adjoining ward Councillors will be asked for their comments. These comments will be logged on the Council’s consultation portal, and available on the website.
- 4.4 At the Regulation 14 stage it is recommended that the Council’s response to a draft Neighbourhood Plan becomes the delegated responsibility of the Head of Planning. The Regulation 14 consultation on a draft Neighbourhood Plan is carried out by the Neighbourhood Planning Group, with a statutory 6 week consultation period. The Council is only a consultee at this stage and the consultation draft Neighbourhood Plan may be received without notice. It is important that Maidstone Borough Council has its formal comments acknowledged at this early stage of the Plan.
- 4.5 Officers consider that 6 weeks will not be sufficient time in which to assess the plan, write formal comments, and obtain the approval of the SPT&S Committee. It is felt that if the existing framework is to be kept, Maidstone Borough Council may miss the opportunity to provide comments at this key stage within the time frame. If this were the case, Maidstone Borough Council comments may not be considered by the Neighbourhood Planning Group in revising their draft plan. It is therefore recommended that this stage be delegated to the Head of Planning.
- 4.6 Regulation 16 has simply been updated in line with the change to the Committee system at Maidstone Borough Council.
- 4.7 The Regulation 18 stage of the process is where Maidstone Borough Council comes to the decision about whether or not it agrees with the Examiner’s recommendations (either to be put forward for Referendum without any changes, to be put forward to referendum with suggested modifications or to refuse the Plan on the basis that it has failed to meet one or more of the Basic Conditions) and what action to take. It is the last opportunity the Council has to

input into the plan before referendum. The Cabinet Report has therefore been updated to be a report to the SPT&S Committee.

- 4.8 The Regulation 19 stage of the decision making framework relates to the making of a Neighbourhood Plan after referendum. This stage does not require a decision from the Council. The results of the referendum are binding. If a referendum results in more than half those voting (i.e 50% plus 1), voting in favour of the proposal the Neighbourhood Development Plan **must** be “made” as soon as reasonably practical. The Plan should be “Made” by Full Council, at which point it formally becomes part of the Development Plan for the Borough.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The revised framework for decision making arrangements for Neighbourhood Planning is not subject to consultation.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Committee’s agreed response will form the basis of the new revised internal decision making framework for the Neighbourhood Planning process at Maidstone Borough Council. Officers and Councillors will follow the new framework in the making of Neighbourhood Plans. Once approved, the framework will be uploaded to the council’s website.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management	Updating the decision making process for neighbourhood planning ensures the council’s statutory duty is met, and provides for a timely input into the consultation stages of the plans.	[Head of Service or Manager]
Financial	Maidstone Borough Council is responsible for the costs of the Neighbourhood Plan examination and subsequent referendum (if required). The budget also provides for	[Section 151 Officer & Finance Team]

	<p>legal and consultancy advice as required. The council receives government grant funding in recognition of its duties relating to neighbourhood planning, although there is no certainty over the continuation of grants. At 1 April 2015 the balance of grant funding is £84,902. A further grant of £5,000 is due in May 2015. There is adequate budget to cover the council's responsibilities for neighbourhood plans at this time. Additionally, Maidstone Borough Council set aside £40,000 for direct funding to appropriate authorities undertaking neighbourhood planning (a maximum of £2,500 per appropriate authority). At 1 April 2015 there is a balance of £21,820 in this budget.</p>	
Staffing	<p>A significant amount of staff time is devoted to supporting the preparation of Neighbourhood Plans and to progressing the plans through the statutory processes. A new Principal Planning Officer post has been created to build resilience into the team to ensure the timely delivery of the local plan and neighbourhood plans.</p>	[Head of Service]
Legal	<p>The report sets out the requirements needed to comply with the legislative framework</p>	Kate Jardine, Team Leader (Planning), Mid Kent Legal Services
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development	<p>The implications are set out in the body of the report.</p>	[Head of Service or Manager]
Community Safety		[Head of Service or Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

None.

Update to Agenda Item 14 – Neighbourhood Planning: Changes to decision making arrangements

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is to revise the framework for decision making to take into account the practical issues that have been highlighted through the implementation of the existing framework.

4.2 The proposed revised framework is set out below:

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4	Maidstone Borough Council consulted on submission version of the Neighbourhood Plan (Reg 16)	SPS&T Report	SPS&T Committee
5	Decision to approve/reject/modify the plan/order post Examiners Report (Reg 18/25)	SPS&T Report with recommendation to Full Council	Full Council
6	Make Plan post Referendum (Reg 19/20/26/27)	SPS&T Report with recommendation to Full Council	Full Council

4.3 The only amendments that have been proposed to the Regulations 6 – 10 stages are to replace the references to “Cabinet” and replace with “SPS&T Committee”. This amendment is recommended to update the framework following the change the Committee system. These stages will be subject to a statutory consultation period, in which ward and adjoining ward Councillors will be asked for their comments. These comments will be logged on the Council’s consultation portal, and available on the website.

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consultation draft Neighbourhood Plan may be received without notice. It is important that Maidstone Borough Council has its formal comments acknowledged at this early stage of the Plan.

- 4.5 Officers consider that 6 weeks will not be sufficient time in which to assess the plan, write formal comments, and obtain the approval of the SPS&T Committee. It is felt that if the existing framework is to be kept, Maidstone Borough Council may miss the opportunity to provide comments at this key stage within the time frame. If this were the case, Maidstone Borough Council comments may not be considered by the Neighbourhood Planning Group in revising their draft plan. It is therefore recommended that this stage be delegated to the Head of Planning.
- 4.6 Regulation 16 has simply been updated in line with the change to the Committee system at Maidstone Borough Council.
- 4.7 The Regulation 18 stage of the process is where Maidstone Borough Council comes to the decision about whether or not it agrees with the Examiners recommendations (either to be put forward for Referendum without any changes, to be put forward to referendum with suggested modifications or to refuse the Plan on the basis that it has failed to meet one or more of the Basic Conditions) and what action to take. It is the last opportunity the Council has to input into the plan before referendum. The Cabinet Report has therefore been updated to be a report to the SPS&T Committee, **which will make a recommendation to Full Council.**
- 4.8 The Regulation 19 stage of the decision making framework relates to the making of a Neighbourhood Plan after referendum. The results of the referendum are binding. If a referendum results in more than half those voting (i.e 50% plus 1), voting in favour of the proposal the Neighbourhood Development Plan **must** be “made” as soon as reasonably practical. **Although the Neighbourhood Plan does not require a decision at this stage, it is proposed that SPS&T Committee will recommend to full Council that the Plan is made.** The Plan should be “Made” by Full Council, at which point it formally becomes part of the Development Plan for the Borough.