

Strategic Planning Sustainability & Transport Committee

10 November
2015

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

Yes

Staplehurst Neighbourhood Development Plan

Final Decision-Maker	Strategic Planning Sustainability & Transport Committee
Lead Director or Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Chris Berry, Planning Consultant to Planning Policy
Classification	Non-exempt
Wards affected	Staplehurst, Marden and Yalding, Boughton Monchelsea and Chart Sutton, Sutton Valence and Langley, Headcorn...

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

1. That the Committee approves this report as the basis for formal representations on the Staplehurst Neighbourhood Plan (July 2015) according to Regulation 16 of the Neighbourhood Planning Regulations 2012; and
2. That the Committee agrees the Council's consultation responses to the Staplehurst Neighbourhood Plan (July 2015) in Section 3 below which are described in more detail in paragraphs 2.1 to 2.23 of this report.
3. The Staplehurst Neighbourhood Development Plan (July 2015):
 - a) is in general conformity with the strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000;
 - b) has been assessed, at this stage, to not require Strategic Environmental Assessment or Habitats Regulations Assessment;
 - c) is in general conformity with the adopted policies of the Maidstone Borough Wide Local Plan 2000 apart from the following specific policies of the Local Plan:
 - Local Plan Policy ENV28 – Development in the Countryside: Though Policy PW2 of the Staplehurst Neighbourhood Plan does not preclude the development allowed by Local Plan Policy ENV28, the supporting text is not in general conformity with this strategic adopted Local Plan policy over an extensive rural area to which it applies and as written would preclude the operation of Local Plan Policy ENV28

- Local Plan ENV44 – Conversion of Rural Buildings for Commercial, Industrial, Recreational and Tourism Purposes: Though Policy PW2 of the Staplehurst Neighbourhood Plan as written does not preclude the development allowed by Local Plan Policy ENV28, the supporting text is not in general conformity with adopted Local Plan Policy ENV44 over an extensive rural Area to which it applies and as written would preclude the operation of Local Plan Policy ENV28
- Local Plan ENV45 – Conversion of Rural Buildings for Residential Purposes: Policy PW2 as written is does not preclude the development allowed by Policy ENV28, the supporting text is not in general conformity with Local Plan Policy ENV45 over an extensive rural area to which it applies and as written would preclude the operation of Local plan Policy ENV28
- Local Plan Policy ED2 – Retention of Employment Sites: Policy H6 of the Staplehurst Neighbourhood Plan as written is unclear but within the areas defined in the Local Plan would not protect against redevelopment or use of vacant business, industrial, storage or distribution sites or premises for non-employment purposes. The policy is therefore not in general conformity with this strategic policy and as written would preclude the operation of Local Plan Policy ED2.
- Local Plan Policy R1 – Maintaining and Enhancing Existing Retail Facilities: Policy GW1 of the Neighbourhood Plan and its supporting text are not in general conformity with Local Plan Policy R1 in relation to ensuring that development in the station area is not threatening the overall economic vitality and viability of established High Street retail or other business units in the station area.
- Local Plan Policy R2 - Major Retail Proposals Exceeding 500 sq metres: Policy GW1 of the Neighbourhood Plan and its supporting text are not in general conformity with Local Plan Policy R2 in relation to establishing an appropriate scale of development and apply a sequential approach.
- Local Plan Policy R10 - Local Convenience Shops, Post Offices and Pharmacies: Policy GW1 of the Neighbourhood Plan and supporting text are not in general conformity with this strategic adopted policy in relation to ensuring that development in the station area is not threatening the overall economic vitality and viability of established High Street retail centre or other business units in the station area.

This report relates to the following corporate priorities:

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

Timetable	
<i>Meeting</i>	<i>Date</i>
Strategic Planning, Sustainability and Transportation Committee	10 November 2016

Staplehurst Neighbourhood Plan

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report constitutes the formal response of the Borough Council to the Consultation on the Staplehurst Neighbourhood Plan ("the Neighbourhood Plan") in accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012. The Parish of Staplehurst was agreed as a designated Neighbourhood Plan Area on 14th January 2013 by the Council and a Neighbourhood Plan has been prepared.
- 1.2 An initial draft of the Neighbourhood Plan was prepared in accordance with Regulation 14 in June 2014 and this was consulted upon and informal comments made by council officers in October 2014. The draft Neighbourhood Plan was amended in the light of representations made and the Staplehurst Neighbourhood Plan 2015 – 2031 was submitted to the Borough Council for public consultation as required by Regulation 15.
- 1.3 The Borough Council is responsible for the conduct of the public consultation which is required by Regulation 16, and can also make its own representations on the Neighbourhood Plan as part of the consultation process. Comments may be made with regard to the extent to which the council believes the Neighbourhood Plan has satisfied the basic conditions (see para. 2.8 below) of the Neighbourhood Planning Regulations and these are then passed to the independent Examiner at the next stage of the process.
- 1.4 The following representations are made with regard to the submission document.
- 1.5 The Staplehurst Neighbourhood Plan:
 - a) is in general conformity with the strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000;
 - b) has been assessed, at this stage, to not require Strategic Environmental Assessment or Habitats Regulations Assessment;
 - c) is in general conformity with the adopted policies of the Maidstone Borough Wide Local Plan 2000 apart from the following specific policies of the Local Plan:
 - Local Plan Policies ENV28, ENV44 and ENV45 - Development in the Countryside and Conversion of Rural Buildings et al: the supporting text to Neighbourhood Plan Policy PW2 is not in general conformity over an extensive rural area to which it applies and would preclude the operation of the above adopted Local Plan Policies.

- Local Plan Policy ED2 Retention of Employment Sites: Policy H6 of the Staplehurst Neighbourhood Plan is not in general conformity with the above adopted local Plan Policy.
- Local Plan Policies R1, R2 and R10 Maintaining and Enhancing Existing Retail Facilities et al: Policy GW1 of the Neighbourhood Plan and its supporting text is not in general conformity with the above adopted Local Plan Policies by not seeking to sufficiently protect the existing High Street Local Centre.

1.6 If approved, the representations made at Section 3 of the Recommendations will be forwarded with the record of any subsequent discussion by Members of this committee, without further processing, for consideration by the Examiner. After consideration of these and all other representations from consultees, the Examiner will prepare a report and make a recommendation regarding a referendum.

2 INTRODUCTION AND BACKGROUND

2.1 Maidstone Borough Council has supported Staplehurst Parish Council in preparing the Neighbourhood Plan by offering advice and guidance to ensure the Neighbourhood Plan complies with the necessary Regulations and other statutory requirements, as well as providing practical advice about how to achieve the overall aims and objectives of the Neighbourhood Plan. The Town and Country Planning Act 1990 (as updated by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 set out the formal stages which a Neighbourhood Development Plan must proceed through before it is made (adopted). Once made, the Neighbourhood Plan will form part of the development plan for Maidstone Borough.

2.2 Following the formal submission of the Neighbourhood Plan in accordance with to Regulation 15 of the Neighbourhood Planning Regulations 2012, Maidstone Borough Council has a statutory responsibility for a number of stages, both in terms of organisation and cost. These formal stages may be generalised as:

- consultation, (Regulation 16)
- examination,
- referendum and
- formally making the Neighbourhood Development Plan.

2.3 The statutory (Regulation 16) consultation on the Neighbourhood Plan referred to in paragraph 1.1 above began on Friday 23 October 2012 and will be completed on Friday 4 December 2015. Preparation of the Neighbourhood Plan began in January 2013, when the Neighbourhood Plan Area ("the Area") was agreed, and has been developed by Staplehurst Parish Council, with support from community volunteers, Maidstone Borough Council, and consultants FERIA Urbanism.

2.4 The final draft of the Neighbourhood Plan was submitted for consultation in August 2015. It aims to reflect community-wide views, concerns and wishes about the future of the Area and must be in general conformity with national policies set out in the National Planning Policy Framework

(NPPF) and the policies in the adopted Maidstone Borough-Wide Local Plan 2000. The Neighbourhood Plan will progress to Examination following the Regulation 16 Consultation and when made, the plan period will run alongside the Maidstone Borough Local Plan to 2031.

- 2.5 The Neighbourhood Plan has six main sections: Planning For The Future; Meeting The Conditions; Strategic Planning; Village Character; Planning Policies and Objectives, and Next Steps. Officers have assessed the Neighbourhood Plan against the legal, procedural and technical criteria for the preparation of the Neighbourhood Plan, and are satisfied that it should proceed to examination.
- 2.6 After the consultation closes, the Neighbourhood Plan, together with supporting documents and comments received during the consultation, will be submitted to the Examiner for independent examination. The Examiner's role is to test whether or not the Neighbourhood Plan meets the basic conditions set out in the Regulations and further matters set out in the planning legislation (see paragraph 2.8 below).
- 2.7 The 'basic conditions' may be summarised as; whether the Neighbourhood Plan:
 - a) has regard to national policy and guidance;
 - b) contributes to the achievement of sustainable development;
 - c) is in general conformity with the strategic policies of the development plan for the area or any part of that area; and
 - d) does not breach or is otherwise compatible with EU obligations, including the Strategic Environmental Assessment Directive 2001/42/EC and Habitats Directive 92/43/EEC.
- 2.8 The further matters that are considered by the Examiner include considering whether the draft Neighbourhood Plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Development Plan; and whether the Neighbourhood Plan as submitted is compatible with the Human Rights Convention. The Examiner may also make recommendations on whether the area for referendum should extend beyond the Neighbourhood Plan boundaries, i.e. the Area.
- 2.9 The current consultation gives Maidstone Borough Council an opportunity to comment on whether it considers the Neighbourhood Plan meets the set of 'basic conditions'. The consultation response set out in this report will inform the Examiner of areas of particular concern to the Borough Council and during the preparation of the Neighbourhood Plan, meetings were held between council officers and the authors of the Neighbourhood Plan to discuss the basic conditions, and other related items.
- 2.10 The following points are the Council's proposed responses to the consultation and are summarised in the recommendations to this report at 1.1 above.

National Planning Policy Framework

2.11 The Neighbourhood Plan makes specific reference to the requirements of the NPPF in terms of planning positively and supporting policies for housing and economic development, and accepts the principle of development within the housing allocations as set out in the emerging draft Local Plan (Regulation 18). The Neighbourhood Plan is considered to have met the objectives of paragraph 184 of the NPPF regarding making sufficient provision for new housing, and thus meeting its contribution to the Council's objectively assessed need.

Conformity with Adopted Local Plan Policy

2.12 A basic condition for the Neighbourhood Plan is that it must be in general conformity with the 'saved' strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000, that is, the high level strategic elements in the local plan that are essential to delivering the overall planning and development strategy for the local area.

2.13 For the purposes of decision-taking, saved local plan policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. However, from March 2013, due weight should be given to saved policies in existing plans according to their consistency with the NPPF, and the adopted policies have been assessed for their consistency with the NPPF and the emerging Local Plan.

2.14 Neighbourhood plans should thus only be expected to be in conformity with those strategic policies of the adopted Local Plan which are consistent with the NPPF. Policies in the Neighbourhood Plan have been tested for their general conformity and the following comments may be made with regard to their consistency with Local Plan saved policies.

Consistent policies

2.15 Local Plan policies where the Neighbourhood Plan is either consistent or reliant on existing policy, comprise:

- Policies ENV 23, 23, 27, 34, and 41
- Policies H1, 16 and 28
- Policy E9
- Policy R11
- Policies CF1,2,and 3

Inconsistent policies

2.16 Local Plan Policy ENV28 – Development in the Countryside: Though Policy PW2 of the Staplehurst Neighbourhood Plan does not preclude the development allowed by Local Plan Policy ENV28, the supporting text is not in general conformity with this strategic adopted Local Plan policy over an extensive rural area to which it applies and as written would preclude the operation of Local Plan Policy ENV28

- 2.17 Local Plan ENV44 – Conversion of Rural Buildings for Commercial, Industrial, Recreation and Tourism Purposes: Though Policy PW2 of the Staplehurst Neighbourhood Plan as written does not preclude the development allowed by Local Plan Policy ENV28, the supporting text is not in general conformity with adopted Local Plan Policy ENV44 over an extensive rural Area to which it applies and as written would preclude the operation of Local Plan Policy ENV28
- 2.18 Local Plan ENV45 – Conversion of Rural Buildings for Residential Purposes: Policy PW2 as written is does not preclude the development allowed by Policy ENV28, the supporting text is not in general conformity with Local Plan Policy ENV45 over an extensive rural area to which it applies and as written would preclude the operation of Local plan Policy ENV28
- 2.19 Local Plan Policy ED2 – Retention of Employment Sites: Policy H6 of the Staplehurst Neighbourhood Plan as written is unclear but within the areas defined in the Local Plan would not protect against redevelopment or use of vacant business, industrial, storage or distribution sites or premises for non-employment purposes. The policy is therefore not in general conformity with this strategic policy and as written would preclude the operation of Local Plan Policy ED2.
- 2.20 Local Plan Policy R1- Maintaining and Enhancing Existing Retail Facilities: Policy GW1 of the Neighbourhood Plan and its supporting text are not in general conformity with Local Plan Policy R1 in relation to ensuring that development in the station area is not threatening the overall economic vitality and viability of established High Street retail or other business units in the station area.
- 2.21 Local Plan Policy R2 - Major Retail Proposals Exceeding 500 sq metres: Policy GW1 of the Neighbourhood Plan and its supporting text are not in general conformity with Local Plan Policy R2 in relation to establishing an appropriate scale of development and apply a sequential approach.
- 2.22 Local Plan Policy R10 - Local Convenience Shops, Post Offices and Pharmacies: Policy GW1 of the Neighbourhood Plan and supporting text are not in general conformity with this strategic adopted policy in relation to ensuring that development in the station area is not threatening the overall economic vitality and viability of established High Street retail centre or other business units in the station area.

Strategic Environmental Assessment and Habitats Regulations Assessment

- 2.23 Maidstone Borough Council has carried out its duty to screen the Neighbourhood Plan for the need for a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA) and received responses from statutory consultees as required by the legislation. At this stage, the Borough Council is satisfied that there are no requirements for a SEA or HRA.

Conformity with emerging Local Plan Policy

- 2.24 Whilst it is not a requirement for a Neighbourhood Development Plan to be in conformity with an emerging plan, it is nonetheless clear that the emerging strategic policies and priorities, and importantly the substantial evidence which underpin them, are relevant. The Neighbourhood Plan has been assessed for its consistency with the emerging local plan and it is regarded as broadly in line with the vision of the local plan which sees the role of Staplehurst as a rural service centre being reinforced by directing suitable development and supporting infrastructure.
- 2.25 The Neighbourhood Plan seeks the retention of existing services, the addition of new infrastructure where possible, and the regeneration of employment sites including the expansion of existing employment sites. It seeks to ensure that new development is of high quality design, making a positive contribution to the Area including protection of built and natural heritage and biodiversity.
- 2.26 Key infrastructure and service improvements needed to support delivery are sought with new development expected to make an appropriate contribution towards any infrastructure needs arising as a result of such development.

3. AVAILABLE OPTIONS

- 3.1 Once the Neighbourhood Plan is made it becomes part of the Council's development plan and is used for development management decision making. If the Borough Council does not respond to the consultation draft, it will have missed an opportunity to submit formal comments to the examination. There are therefore two options to consider:
- 3.2 Option A: To approve this report as the basis for the Borough Council's comment on the Neighbourhood Plan.
- 3.3 Option B: Councillors may not agree to make representations but this would compromise our opportunity to inform the Examiner of our policy positions.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Councillors are recommended to adopt Option A.

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	When the Neighbourhood Plan is 'made' it will form part of the development plan for Maidstone. This will assist in the delivery of the Council's objectives, notably	Head of Planning and Development

	'Keeping Maidstone Borough an attractive place for all'. The action areas supporting the priorities will also be addressed through the development plan.	
Risk Management	This consultation is being run to ensure that the plan maintains the requirements of government legislation.	Head of Planning and Development
Financial	Initial financial implications in terms of staffing resources will be mitigated by future Neighbourhood Plan Grant.	Section 151 Officer and Finance Team
Staffing		Head of Planning and Development
Legal	The Neighbourhood Plan has been completed and submitted in accordance with the statutory requirements relating to Neighbourhood Plans and their preparation	Kate Jardine, Team Leader (Planning) Mid-Kent Legal Services
Equality Impact Needs Assessment	The needs of all interested parties have been considered as part of the consultations. Alternate formats of documents will be made available on request.	Policy and Information Manager
Environmental/Sustainable Development	The plan has been the subject of both Strategic Environmental Assessment and Habitat Regulations Assessment.	Head of Planning and Development
Community Safety	There are no implications for Community Safety	Head of Planning and Development
Human Rights Act	There are no implications for the Human Rights Act	Head of Planning and Development
Procurement	When the current consultation is complete, the plan will proceed to Examination. The Examiner will be appointed with due consideration to procurement requirements of the Council's Purchasing Guide and Contract Procedure Rules	Head of Planning and Development and Section 151 Officer
Asset Management	There are no implications for asset management	Head of Planning and Development

6 REPORT APPENDICES

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

Appendix 1: Staplehurst Neighbourhood Plan July 2015
