

**STRATEGIC PLANNING  
SUSTAINABILITY &  
TRANSPORT COMMITTEE**

**7<sup>th</sup> February 2017**

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

**Yes**

**Maidstone Borough Local Plan: Inspector's Interim Findings**

|                                       |   |
|---------------------------------------|---|
| <b>Final Decision-Maker</b>           | Strategic Planning, Sustainability & Transport Committee    |
| <b>Lead Head of Service</b>           | Rob Jarman, Head of Planning & Development                  |
| <b>Lead Officer and Report Author</b> | Sarah Anderton, Principal Planning Officer (Spatial Policy) |
| <b>Classification</b>                 | Public  |
| <b>Wards affected</b>                 | All   |

**This report makes the following recommendations to this Committee:**

1. That the Maidstone Borough Local Plan Inspector's Interim Findings dated 22<sup>nd</sup> December 2016 be noted.

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all – the Local Plan aims to plan positively for future growth in a sustainable way and protect the borough's environmental assets
- Securing a successful economy for Maidstone Borough – the Local Plan also aims to plan positively for growth of the local economy whilst also protecting the environmental assets which make the borough such an attractive place to work.

**Timetable**

| <b>Meeting</b>  | <b>Date</b>                   |
|---|-------------------------------|
| Strategic Planning Sustainability & Transport Committee | 7 <sup>th</sup> February 2017 |

# Maidstone Borough Local Plan: Inspector's Interim Findings

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This is an information-only report to update the Committee on the Local Plan Inspector's Interim Findings which were issued on 22<sup>nd</sup> December. The report also sets out the next steps; an indicative timetable was outlined by the Inspector at the latest Hearing Session held on 24<sup>th</sup> January.
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## 2. INTRODUCTION AND BACKGROUND

### Inspector's Interim Findings

- 2.1 The Local Plan Inspector, Mr Mellor, issued his Interim Findings on 22<sup>nd</sup> December (Appendix A). In his Findings, he has addressed main issues discussed at the Hearings and has also identified where additional work is needed before he can reach his final conclusions on the overall soundness of the Plan. The Interim Findings are not comprehensive and they are not final but they do signal his emerging conclusions on key points.

### **Duty to Co-operate**

- 2.2 The Inspector indicates that the Council has complied with the statutory Duty to Co-operate. This confirms that the Council has engaged constructively, actively and on an ongoing basis with specified bodies, including neighbouring authorities and Kent County Council (KCC), on strategic matters. This is an important test to have passed as failure in this duty cannot be retrospectively rectified.

### **Objectively Assessed Housing Need (OAHN)**

- 2.3 The Council has produced a Strategic Housing Market Assessment (SHMA). The Inspector found that the housing market area employed in the SHMA was appropriate.
- 2.4 There was much discussion at the Examination on local need for housing within the borough compared with migration from outside. The Inspector found that there had been an appropriate assessment of both.
- 2.5 In April 2016, after the Local Plan had been submitted for Examination, the Department for Communities and Local Government (DCLG) published its 2014-based household projections (the SHMA is based on 2012-based projections). The Inspector found no case to alter the OAHN figure in response and identified that these latest projections (or any that supersede them) would need to be taken into account in a review of the Local Plan.

- 2.6 Objectors promulgated that the OAHN should be reduced because of a claimed over supply of housing in the past. The Inspector identified that, at the time of the alleged over supply, housing targets were prescribed in the (now revoked) South East Plan and were redistributive in a nature. The National Planning Policy Framework ('the Framework') fundamentally altered the approach, specifying that Local Planning Authorities should aim to meet their own needs within their own boundaries.
- 2.7 The potential consequences of London's increasing population were discussed in detail at the Examination. Whilst it may well be the case that the borough has to accommodate an increased level of London's housing need, there is no certainty over when this might become necessary and the quantum of the requirement. This is one of the main matters for consideration in a first review of the Plan.
- 2.8 The average household size assumed in the SHMA was found to be appropriate.
- 2.9 The Local Plan OAHN figure of 18,560 homes included a 5% uplift to take account of market signals. This approach followed the National Planning Practice Guidance (NPPG) and reflected Inspectors' findings elsewhere. In fact, the Inspector found that the scale of the uplift was unlikely to affect average house prices and that this is dictated by delivery rates in any event. The Inspector concluded that the uplift was not justified; the OAHN figure is therefore reduced by 900 to 17,660 homes. He also found that there was no specific need to increase the OAHN figure to boost the supply of affordable housing.

### **Housing Supply**

- 2.10 A Housing Topic Paper was prepared for the Examination as evidence of delivery and supply.
- 2.11 The Inspector carefully considered the quantum and general distribution of housing and the impact of constraints. He was generally satisfied with the approach taken in the Local Plan. He concludes that there is not a fixed development capacity limit for the borough, rather locations have to be assessed individually to determine the scale of development appropriate, including the scope for mitigation.
- 2.12 Alternative strategies: The Inspector supported the overall development strategy (set out in Policy SS1) which sets a settlement hierarchy with Maidstone town best placed to accept development, followed by sites at its edge, then the five Rural Service Centres and five Larger Villages. This supports sustainable means of travel and is compliant, in other matters, with the Framework.
- 2.13 South East Maidstone: Policy SP3 is a strategic housing policy proposing six sites along the A274 which together will provide a total of 2,647 dwellings. Three of these already have permission and two await the completion of s106 Agreements.

2.14 The Inspector found that the highways mitigation, in particular public transport, to be secured through s106 monies was appropriate. The Inspector goes into detail in relation to the delivery of bus prioritisation measures, in particular, the extension of the existing bus lane. Other highway capacity improvements were also supported and the Inspector specifically cites the junction capacity improvements in the vicinity of Willington Street and Wallis Avenue. The implementation of such highways mitigation measures is needed for the successful delivery of the Local Plan and is to be delivered through the Maidstone Integrated Transport Package (MITP).

2.15 Other South Maidstone allocations: Traffic congestion along the A229 is also an issue. Two of the proposed housing allocations are along Boughton Lane: H1(29) New Line Learning and H1(53) Boughton Lane. The New Line Learning site was the subject of a dismissed public inquiry in 2016 where, inter alia, the Inspector (and Secretary of State) found that severe highway harm to junctions with the A229 would arise. This public inquiry has re-opened and is due to be held in October 2017. The Local Plan Inspector concluded that a deliverable scheme of mitigation was not in front of him and both sites are proposed to be deleted from the Plan, resulting in the loss of 255 units from the supply. Smaller sites in the vicinity have been retained.

2.16 Policy H2 Broad Locations for Housing Development:

- a. Town Centre: it was agreed that 940 dwellings would be delivered in the Town Centre Broad Location by 2031. This will be achieved through a masterplanning approach with partners.
- b. Invicta Park Barracks: during the Examination the Ministry of Defence announced that the Barracks would close in 2027. The Inspector supported the development of this sustainably located brownfield site but found that 500 homes, rather than the proposed 1,300, between 2026-31 was more realistic. This results in a numerical loss from the Plan period of 800 dwellings.
- c. Lenham Broad Location and Allocations: the broad location was proposed to deliver 1,500 houses between 2026 and 2031. The Inspector again considered this to be an overly optimistic delivery and has reduced the total to 1000 and, moreover, brought the 'start' date forward so the delivery period is 2021 to 2031. The actual allocations would be determined in a masterplan incorporated within a Lenham Neighbourhood Plan or, by default, in a Local Plan review before April 2021. The Inspector was supportive of the detailed allocations in Lenham.

2.17 Larger Villages: The Syngenta site at Yalding has been deleted due to flood risk and (see above) site H1 (53) at Boughton Lane.

2.18 Windfall allowance: The Inspector concluded that the housing windfall allowance has been adequately justified.

2.19 The housing trajectory and the 5 year housing land supply: the revised 17,660 dwellings would equate to 883 dwellings per annum on average over

the Plan period. As delivery was below target rates in 2011-16, the shortfall has to be made up. At the Examination, the Council proposed that the deficit should be made up in the next five years (2016-21) which is the so-called 'Sedgefield method' and is the preferred approach in the NPPG. The housing trajectory reflected this, with the further inclusion of a 5% buffer, as is also required by the Framework.

- 2.20 This approach results in a spike in the housing requirement over the 2016-21 period in particular, with a return to a lower rate towards the end of the Plan period.
- 2.21 The Inspector has instead proposed a smoother and more realistic pattern of delivery. Additional allocations in the latter Plan period are going to be needed, however, to boost delivery.
- 2.22 The recommended smoothing of the trajectory will serve to strengthen the Council's five year supply position. This provides clarity that Maidstone can demonstrate a five year supply assuming that the Inspector's Interim Findings are reflected in his recommended Modifications and these continued unchanged as the Plan moves into adoption, following the public consultation on the Modifications. If confirmed, the revised 1<sup>st</sup> April 2016 position would be 6.11 years with the strong prospect that the positive position will continue in subsequent years.

### **Employment**

- 2.23 Through the Interim Findings, the Inspector requested further work in respect of two aspects. Firstly, he required an additional assessment of the inter-relationship between housing numbers, jobs growth and commuting in adjoining areas to confirm if there will be sufficient employment land overall in the wider area based on the known plan proposals/evidence of neighbouring Local Planning Authorities. Secondly, the Inspector asked that routes to boost the employment land supply for offices be explored.
- 2.24 Additional information was submitted to the Inspector on these two points and this submission was discussed at the Hearing Session held on 24<sup>th</sup> January. As a result of the discussion, officers are due to submit additional proposed changes to the Plan to confirm how the delivery of the office floorspace will be secured.

### **Transport & Air Quality**

- 2.25 Consistency with national policy: Maidstone town is designated as an Air Quality Management Area because nitrogen dioxide emissions exceed European and national thresholds in certain locations. The Maidstone Air Quality Action Plan (2010) is referred to in the national Air Quality Plan but has not yet succeeded in bringing emissions within prescribed limits. The need to reduce emissions supports the aims of the Integrated Transport Strategy and the Walking and Cycling Strategy to encourage modal shift.
- 2.26 The Inspector concluded that the delivery of sustainable transport measures is of great importance.

2.27 Avoidance of severe traffic impacts on the strategic road network: a Statement of Common Ground had been agreed between the Council and Highways England and the Inspector concluded that any severe impacts are capable of mitigation.

### **Review of the Local Plan**

2.28 The Inspector identified a number of issues to be addressed through a review of the Local Plan. He referenced the need to make specific allocations for the Broad Locations (Lenham and Invicta Barracks) and also the possibility of KCC making a decision on the Leeds-Langley Relief Road. He concluded that the Plan should include a policy commitment for a review with a target adoption date of April 2021 and, therefore, the review process would need to start much earlier. The end date of the Plan could be extended to 2036 as part of the Review.

### **Next Steps**

2.29 At the Hearing Session on 24<sup>th</sup> January, the Inspector and officers discussed an indicative outline for the completion of the Local Plan process.

- Report to 14<sup>th</sup> March Strategic Planning, Sustainability & Transport Committee on the proposed Main Modifications and minor changes requesting approval for public consultation
- Six week public consultation from late March/early April to mid-May (additional days may need to be added in view of the Easter and May bank holidays)
- Inspector receives consultation responses. The Inspector may decide that points raised in the responses require discussion at an additional hearing or hearings. A significant change in Government policy, such as the release of the Housing White Paper, could also prompt an additional hearing if the Inspector deems its content has implications for the Local Plan.
- Assuming no additional hearings, Inspector's Final Report should be issued in June.
- A report presenting the Inspector's Final Report and recommending adoption of the Local Plan will come to Strategic Planning, Sustainability & Transport Committee and thereafter Full Council

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## **3. AVAILABLE/PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

3.1 The Committee is asked to note the Interim Findings.

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## **4. CROSS-CUTTING ISSUES AND IMPLICATIONS**

| <b>Issue</b>                                 | <b>Implications</b>  | <b>Sign-off</b>  |
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| <b>Impact on Corporate Priorities</b>        | The Local Plan is one of the key strategies which will promote delivery of the Council's Strategic Plan  | Rob Jarman, Head of Planning & Development                   |
| <b>Risk Management</b>                       | There is a continuing small risk relating to the outcome of the Local Plan examination. Officers have sought to minimise this risk by responding positively and promptly to the Inspector's recommendations and his requests for additional information. | Rob Jarman, Head of Planning & Development                   |
| <b>Financial</b>                             | The Council has incurred significant expenditure this year on the Local Plan Examination and funds have been set aside to cover the likely costs.  | Finance Team   |
| <b>Staffing</b>                              | The Spatial Policy Team is sufficiently staffed to manage the remaining Examination programme and the Modifications stage which will precede adoption of the Plan  | Rob Jarman, Head of Planning & Development                   |
| <b>Legal</b>                                 | There are no legal implications for the Council arising from this report.  | Kate Jardine, Team Leader (Planning) Mid Kent Legal Services |
| <b>Equality Impact Needs Assessment</b>      | An EQIA was undertaken to support the publication of the Local Plan. The webcasting of the examination hearings assists those unable to attend in person.  | [Policy & Information Manager]                               |
| <b>Environmental/Sustainable Development</b> | The Local Plan is fundamentally concerned with the achievement of sustainable development.   | Rob Jarman, Head of Planning & Development                   |
| <b>Community Safety</b>                      | There are no specific impacts or issues.   | Rob Jarman, Head of Planning & Development                   |
| <b>Human Rights Act</b>                      | There are no specific impacts or issues.   | Rob Jarman, Head of  |

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|-------------------------|--|---|
|                         |  | Planning & Development                              |
| <b>Procurement</b>      | There are no specific impacts or issues  | Rob Jarman,<br>Head of<br>Planning &<br>Development |
| <b>Asset Management</b> | There are no specific impacts or issues. | Rob Jarman,<br>Head of<br>Planning &<br>Development |

## **5. REPORT APPENDICES**

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

- Appendix A: Interim Finding from the Examination of the Maidstone Borough Local Plan (22<sup>nd</sup> December 2016)

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## **6. BACKGROUND PAPERS**

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