

Strategic Planning  
Maidstone Borough Council

Date: DD/MM/YYYY

**By email only**

Dear Sir/Madam

**HEADCORN NEIGHBOURHOOD PLAN 2022-2038**

**Consultation pursuant to Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended)**

**Consultation period 24 June to 12 August 2024**

Thank you for the opportunity to make representations on the Headcorn Neighbourhood Plan Regulation 16 'submission' version.

Maidstone Borough Council (MBC) recognises the key role that neighbourhood planning plays in the borough. It enables communities to shape the future of their local areas whilst helping to meet local needs, such as for new and affordable homes, jobs, community facilities and green spaces. We will continue to engage positively with and support parish councils and neighbourhood forums during the preparation of their plans so that these have the best chance of succeeding at examination and can be brought into force. Our aim is to ensure that all neighbourhood plans support the delivery of sustainable development in the borough, by meeting the Basic Conditions prescribed by legislation<sup>1</sup>, and we submit these representations in that context.

Headcorn parish was designated a neighbourhood area on 8 April 2013. Headcorn Parish Council is the qualifying body responsible for leading on the preparation of a neighbourhood plan for the designated area. The Parish Council undertook an early stage, 6-week public consultation on a 'pre-submission' version of the Headcorn Neighbourhood Plan (Regulation 14 stage) from 22 June to 14 August 2023. MBC formally submitted representations at that time. The Parish Council has since amended the draft plan having regard to all representations received from the consultation and this revised plan comprises the 'submission version' (Regulation 16 stage).

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<sup>1</sup> The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004

MBC has published a Neighbourhood Planning Protocol which sets out actions that it will take in supporting parish councils and neighbourhood forums at different stages of the plan process. In line with the protocol, officers have undertaken a review of the plan process to-date and the submission documents. Officers are satisfied that public consultation on the pre-submission neighbourhood plan was carried out in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations, as amended. Officers are also satisfied that Regulation 15 requirements on the submission of the neighbourhood plan and supporting documents have been met. Furthermore, Natural England, Historic England and the Environment Agency have confirmed through their Regulation 14 stage representations that a Strategic Environmental Assessment and/or Habitats Regulation Assessment is not required. In light of the above, it is considered appropriate to proceed to the next stage of the plan process.

Whilst MBC is responsible for facilitating the Regulation 16 stage publication consultation on the submission Headcorn Neighbourhood Plan (which runs from 24 June to 12 August 2024), it is also a statutory consultee and has therefore taken the opportunity to submit representations on the plan, which are set out below.

### **General comments**

Overall, we commend the Parish Council for its efforts in reaching this stage of the neighbourhood planning process, and for submitting a plan which is clearly articulated and well-written.

There has been a significant change in the local planning policy framework since the Regulation 14 public consultation on the pre-submission Headcorn Neighbourhood Plan was undertaken. Specifically, Maidstone Borough Council adopted the Local Plan Review 2021-2038 (LPR) on 20 March 2024. One of the Basic Conditions for neighbourhood plans is that they must be in general conformity with the strategic policies contained in the Development Plan for the area of the authority, which in this case, includes the LPR.

We set out below where we have concerns with respect to general conformity with the LPR. These concerns are principally that the plan, as currently drafted, will preclude certain types of new development from coming forward in appropriate locations, consistent with the LPR. We therefore make comments and recommendations to assist in ensuring that the plan meets the Basic Conditions, and in doing so, provides a positive framework for facilitating sustainable development and is not unduly restrictive. Specifically, key conformity issues are raised with respect to Policies LPRSP6 (Rural Service Centres), LPRSP9 (Development in the countryside), LPRSP10 (Housing delivery), LPRSP10(B) (Affordable housing), and LPRSP14(C) (Climate change). There are also concerns with the approach to infrastructure funding and therefore general conformity issues are raised with Policy LPRSP13 (Infrastructure Delivery).

In addition, the Neighbourhood Plan broadly seeks to treat all types of residential development similarly, including gypsy and traveller accommodation. There are concerns that this approach is not consistent with the Government's Planning Policy for Traveller Sites and could also undermine Policy LPRSS1 (Maidstone Borough Spatial Strategy) in planning positively to meet identified needs of this group. It is noted that Policy LPRHOU8 (Gypsy, Traveller and Travelling Showpeople) sets the borough-wide policy for managing development of this nature on a case-by-case basis, and though not a strategic policy, should be referred

for consistency of approach where additional neighbourhood plan policies are to be considered. MBC notes that it is in the process of preparing a Gypsy, Traveller and Travelling Showpeople Development Plan Document, which will set out further policies on this matter.

Notwithstanding the above, it is noted that the Neighbourhood Plan should be updated throughout with factual corrections to make clear where references are made to the adopted LPR and to remove references to the Local Plan 2017 and its contents, which has now been superseded.

Furthermore, there are concerns that there is insufficient evidence to justify some of the policies contained within the plan. Whilst the Neighbourhood Plan has been informed by research and public consultation (including residents’ surveys, outcomes of which are frequently cited in the supporting text), there are instances where we consider there to be insufficient technical evidence to justify the policy approaches. These are signposted in the detailed comments.

Finally, where appropriate, we set out below suggested amendments to the Neighbourhood Plan which, though not matters of the Basic Conditions, could assist in strengthening the plan’s alignment with the adopted LPR and aid with policy implementation.

It is noted the preparation of the Neighbourhood Plan was largely undertaken when the Local Plan 2017 was extant and prior to the adoption of the LPR. We acknowledge that the Parish Council has endeavoured to take account of the emerging LPR, however recognising it had not yet come into force. Notwithstanding this, we would seek that the plan examiner considers whether there are opportunities available to maximise opportunities for delivering sustainable development locally, for example, by strengthening policies dealing with climate change adaptation and resilience.

In light of the above, modifications to the Neighbourhood Plan are considered necessary, so that it can meet the Basic Conditions and set a positive framework for delivering sustainable development locally.

**Detailed comments**

We set out below further detailed comments referring to specific sections, paragraphs and policies within the submission plan.

<b>Page no.</b>	<b>Paragraph/ Policy no.</b>	<b>Representations</b>
13	Box 1.1	This text box sets out a detailed programme for the next steps in the neighbourhood plan process. Whilst acknowledging this has been included as an informative for the public, it is now dated and does not reflect current circumstances. For example, the timescale for Examination in June/July 2024 will not be achievable given that the Regulation 16 public consultation will close 12 August. It is suggested that Box 1.1 is amended to refer to the key stages only, or alternatively, amended with updated the dates, as appropriate.
28	4.1	This paragraph states “all plans should set out a clear design vision and expectations”. For clarity, it is recommended that the policy is reworded

Page no.	Paragraph/ Policy no.	Representations
		along the following lines: "all planning applications submitted should set out a clear design vision and expectations..."
28	4.4	For clarity and to aid plan implementation, it is suggested that this paragraph makes specific reference to Policy HNP1 (Design Policy for Headcorn).
30	Section 5 - Design guidance	It is recommended that additional informative text is included within this section to make clear that the design guidance section is not to be taken as policy for the purpose of planning decisions.
29	HNP Policy 1	HNP Policy 1.C sets out that new development within the parish will be permitted if the development is sympathetic to the setting of a heritage asset. MBC considers there is a general conformity issue with Policies LPR6, LPRSP14(B) and LPRENV1 (which MBC highlighted in its Regulation 14 response). MBC recommends the HNP Policy 1 would benefit from the inclusion of text to recognise the scope for the conservation and enhancement of heritage assets and their setting.
84	HNP Policy 2	HNP Policy 2 deals, at various criteria, with development in or affecting the countryside. The policy is not considered to be consistent with NPPF paragraph 186 and not in general conformity with Policy LPRSP9. It is recommended that the policy is amended to reflect the key test in LPRSP9, which assesses whether development will result in 'significant harm' to the rural character and appearance of the area. This would ensure the policy is positively worded and does not preclude new appropriately located and well-designed development from coming forward in the countryside.
84	HNP Policy 2	HNP Policy 2.2 refers to HNP Policy Map 12: Key views in and around Headcorn Village. It is suggested that further clarification is included within to the policy to identify the views that should be protected and those views that could be improved. This would aid in the implementation of the policy.
84	HNP Policy 2	HNP Policy 2.11 addresses flood risk management. There is a consistency issue with the NPPF and general conformity concern with Policy LPRSP14(C). It should not be for the Parish Council to determine where flood risk is an issue, as set out in the policy; rather this should be informed by the latest technical evidence, such as Environment Agency flood risk maps, and information/advice issued by the lead local flood authority for the authority area. Furthermore, the policy should respond to Government policy and guidance on the appropriate locations for different types of development, in accordance with the sequential and exception tests. For instance, the policy indicates that no development will be permissible in Flood Zone 3b, whereas the NPPF/PPG provides that essential infrastructure may be appropriate in Zone 3b subject to the exception test being satisfied.
86	HNP Policy 2	HNP Policy 2.15 is considered to be overly onerous in seeking to ensure that development is avoided in locations which are more than 200 metres of at least two established dwellings. This approach is not considered to be consistent with the NPPF nor in conformity with LPRSP6 and LPRSP9 in setting a positive framework for facilitating development in this area. It is recommended that policy refers instead to adverse impacts on local character, including the countryside, having regard to relevant higher-level policies.
91	HNP Policy 3	It is recommended that HNP Policy 3.3 be amended to be more positively worded and to provide greater flexibility for design solutions that may

Page no.	Paragraph/ Policy no.	Representations
		enable development to come forward, where appropriate. For example, the criterion could emphasise that development should be designed to connect to the existing highway network, whilst seeking to avoid the need to cross additional field boundaries, so to ensure there will be no adverse impacts on local character.
91	HNP Policy 3	It is not entirely clear what HNP Policy 3.10 is seeking to achieve or how it will be implemented effectively. This may be a matter of wording and discussion with the Parish Council, which can be explored through the examination.
100	HNP Policy 4	HNP Policy 4.A sets out proposed car parking standards. The justification for this approach is included in the policy supporting text, however much of the evidence relies on visitor surveys and is also heavily focussed on commuter parking, with limited technical evidence for the proposed residential parking standards. MBC seeks to ensure that that the approach to parking is sufficiently justified. It is recommended that HNP Policy 4.A is amended to align with LPRTR4; and whilst this is not a strategic policy for neighbourhood plans, it will help to ensure consistency in the approach to managing car parking provision and sustainable transport across the borough. In particular, the LPR reflects the evidence-based approach applied by Kent County Council, including the KCC Interim Guidance Note 3 (IGN3).
101	HNP Policy 4	To aid policy implementation, it is suggested that HNP Policy 4.B be amended to refer to Fibre to the Premises (FTTP) to align with the accepted industry terminology and that used in the LPR.
101	HNP Policy 4	HNP Policy 4.B.1 should be amended to remove reference to 'British Telecom' in order to ensure the policy is responsive to potential future changes in infrastructure providers.
103	HNP Policy 4	It is unclear how HNP Policy 4.D.1 will be implemented. It proposes that the energy performance of applications will be assessed against that of 'standard properties of the type proposed'. The wording of this part of the policy is vague, and it is unclear what 'standard properties' would be used as a comparative benchmark in planning decisions. Overall, the policy would benefit from clearer standards against which developments can be assessed. For clarity, reference could be made to Policy LPRSP13(C), a strategic policy, along with Policy LPRQD1 which sets out borough-wide sustainable design standards. It is noted that MBC is currently in the process of preparing a Design and Sustainability DPD which will provide further detailed policies on this topic area.
103	HNP Policy 4	HNP Policy 4.E sets out priorities for infrastructure spending in Headcorn. Whilst MBC does not have an objection to the inclusion of a priority list for infrastructure spending within the plan, the policy should be amended to make clear that this list is specific to the neighbourhood proportion of Community Infrastructure Levy (CIL) receipts passed to the Parish Council. It is important that this list is not conflated with or otherwise undermines the Borough Council's strategic approach to infrastructure funding, including the use of CIL and planning contributions, as provided by Policy LPRSP13. The LPR approach to infrastructure funding is supported by a significant amount of technical evidence, such as the Infrastructure Delivery Plan and Integrated Transport Strategy. Approaches to prioritising funding, including in the neighbourhood plan, should be robustly supported by evidence.

<b>Page no.</b>	<b>Paragraph/ Policy no.</b>	<b>Representations</b>
106	Para 9.10	This paragraph sets out a definition of self-build housing for Headcorn. It is recommended that this paragraph is amended to refer to and/or align with the legal definition of self-build housing set out in legislation (i.e., the Self-build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016).
119	HNP Policy 5	HNP Policy 5.I.(I.I).iv should be amended to align with LPRENV2 (Change of use of agricultural land to domestic garden land). This will help to ensure it reflects national planning policy considerations on safeguarding the open, rural character of the countryside, including by having regard to the best and most versatile agricultural land.
119	HNP Policy 5	HNP Policy 5.I.(I.2) sets out density standards for new residential development. It provides for a guideline minimum density of 15 dwellings per hectare (excluding 'micro developments') and a maximum density of 30 dwellings per hectare. MBC has concerns that these thresholds may preclude new development from coming forward to meet identified housing needs, including needs for the neighbourhood area, in accordance with Policy LPRSP10. It is noted that Policy LPRHOU5 sets out a minimum standard of 30 dwellings per hectare at sites within or adjacent to Rural Service Centres, which includes Headcorn.
119	HNP Policy 5	HNP Policy 5.I.(I.3) is considered to be too restrictive in enabling development to come forward within the Headcorn Rural Service Centre and is therefore not in general conformity with Policy LPRSP6. Specifically, it sets out exceptions to the location and types of development that may be permissible outside of site allocation policies, and these do not accord with those requirements set out in the LPR.
120	HNP Policy 5	HNP Policy 5.II.(II.5) sets out requirements on affordable housing tenure mix, with priority given to affordable home ownership (at a 50% target for this tenure type). This is not in conformity with Policy LPRSP10, which sets a target of 75% for social / affordable rented and 25% intermediate or affordable home ownership. The LPR policy has been informed by a robust Strategic Housing Market Assessment.
120	HNP Policy 5	HNP Policy 5.III 9 sets out a threshold for the number of units (25) permissible for residential development outside of site allocation policies. It also includes a size threshold for community self-build projects (9 units). It is not clear how the threshold numbers have been derived and the extent to which they are underpinned by technical evidence; whilst the policy supporting text provides justification and narratives around local character, with some housing delivery statistics included, it also relies heavily on resident survey and agent survey information. MBC also has concerns that the threshold approaches may preclude appropriately located and well-designed development from coming forward within Headcorn in order to meet identified housing needs.
129	HNP Policy 6	HNP Policy 6.C effectively requires that funding must be provided to restore land where development involving commercial energy generation has ceased or equipment has become redundant. It is not clear how this policy can be implemented effectively.
130	Glossary	The definition of 'Community Self-build Scheme' should be amended to align with the legal definition set out in legislation.
131	Glossary	The definition of 'Dwelling' should be amended having regard to the distinction with accommodation types set out in the Government's Planning Policy for Traveller Sites.

<b>Page no.</b>	<b>Paragraph/ Policy no.</b>	<b>Representations</b>
132	Glossary	The definition of 'Gypsy and Traveller Pitch' should be amended to align with that set out in the Government's Planning Policy for Traveller Sites.
142	Appendix 2	The Appendix should be updated to reference the strategic policies contained within the adopted Local Plan Review, rather than those in the Local Plan 2017, which has been superseded.

Yours faithfully,

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