



## Comments

### Maidstone Borough Local Plan Publication (Regulation 19) February 2016 (05/02/16 to 18/03/16)

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Question 1	
Do you consider that the Local Plan is legally compliant?	No

#### Please give reasons for your answer to Question 1.

1.1 Engagement with key stakeholders (including parish councils) Para 69 of the NPPF states that "The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning." CPRE Kent understands that there was no consultation with parishes prior to the allocation of housing sites. The Council's Statement of community Involvement 2013 at Table 3.1 states 'Engagement with key stakeholders (including parish councils) in the preparation of the document.' In addition communication with Neighbourhood Plan Groups which had formed in 2012 was stalled in preparation of the local plan. The identification of housing sites in the Regulation 18 consultation without prior involvement of the communities led to a flood of opportunistic planning applications that has led to the plan being fulfilled in some areas before the plan was consulted upon. This is the case in Harrietsham, Headcorn and Marden.

1.2 Cross boundary discussions There is no evidence available that sets out whether discussions have been held with adjoining local authorities and the County Council on cross boundary matters, such as cross-boundary strategic priorities, the use of land to meet housing or employment requirement, or the strategic gap between Maidstone and the Medway Gap, or the provision of infrastructure.

1.3 The Integrated Transport Strategy The withdrawn consultation draft Integrated Transport Strategy (ITS) 2012 was based on a housing figure of 10,800 dwellings. The subsequent stages of the plan have been based on a housing figure of 18,560 and have been produced in advance of a finalised, agreed ITS. This Regulation 19 plan has only now been accompanied by a 'draft ITS' which has still to be agreed by the County Council and the Maidstone Joint Transport Board (JTB). The draft ITS at paragraph 3.2 states that 'Further work has been commissioned to update the VISUM model. This information, when available, will test the impact of the objectively assessed need for new development and the key transport interventions set out in the draft strategy.' The results of the VISUM modelling update were reported to the Maidstone JTB on 22

February 2016. The modelling was based on a housing target of 14,043 at 2022. The report concludes that a package of highway improvement schemes was required to result in a level of traffic impact on the highway network that is not regarded as severe in the context of the NPPF. The report states that the modelling excludes the strategic broad locations, namely: Lenham, Invicta Barracks and Maidstone town centre, and windfall sites. CPRE Kent questions the rationale in excluding town centre sites as the town centre is a sustainable location and sites may come forward before 2022. The ITS is a fundamental piece of evidence to inform the Plan and it is difficult to see how the spatial strategy has been determined without it given that the Spatial Vision states that 'development will be guided by the delivery of the Integrated Transport Strategy.' The full housing target of 18,560 has still to be tested and there is no evidence that the highway network could cope with this scale of development. Without an agreed final ITS being available, it is impossible to see whether or not this is the case.

1.4 Gypsy and Travellers The GTTSAA produced by the Council has not followed government guidance. The GTTSAA issued in March 2012 was carried out under the requirements of the 2004 Housing Act and that since then the definition has been changed for planning purposes by DCLG in March 2012 and therefore needed updating. Government guidance was updated in August 2015 with the Planning Policy for Traveller Sites. CPRE Kent considers that a new GTTSAA based on these changes in guidance is required and that this may result in a reduction in the number of sites needed. In the light of this it is considered that there is no sound evidence of need to justify the scale of provision or the allocated sites.

1.5 The consultation process The Maidstone Borough February 2016 Local Plan Regulation 19 web page states: "What will happen after the consultation? Our plan will be examined by an independent Inspector. They'll assess whether we've done everything we were meant to, when preparing our plan and check to make sure it's sound." The on-line consultation response form does not provide a place for people to set out which part of the plan their representation relates, be it a paragraph, policy or the proposals map, as set out in the Planning Inspectorate's document Examining Local Plans Procedural Practice dated December 2013 (3rd Edition v2) Model Representation Form and Guidance for Local Plan Publication Stage Consultation (Annex 1). As formatted the representation form discourages people from setting out their concerns for specific policies and thus prevent people from engaging in the local plan process contrary to the intention of legislation. The Regulation 19 document incorporates new policies that have not been consulted upon before, such as the policies and maps setting out the envelopes for the Rural Service Centres and Larger Villages, DM 27 Parking Standards. Some policies have been amended such DM 22 Open Space and Recreation, and an opportunity should be given for people to be able to make specific comments on these new additions, as well as any modifications. CPRE Kent is concerned that the manner in which the consultation has been set out will prevent the Inspector from seeing the all our representations, including new policies in the document, and have therefore sent our representations on individual paragraphs and polices by separate email to be forwarded to the Inspector.

## Question 2

**Do you consider the Local Plan is compliant with the Duty to Cooperate?** No

**Please give reasons for your answer to Question 2.**

2.1 Kent County Council and the Maidstone Joint Transportation Board The draft Integrated Transport Strategy which has been published for consultation alongside the Regulation 18 document does not have the endorsement of the County Council or the Maidstone Joint Transportation Board. [See our full comment in Q1 Legally Compliant section 1.3] 2.2 Cross boundary discussions There is no evidence available that sets out whether discussions have been held with adjoining local authorities and the County Council on cross boundary matters, such as cross-boundary strategic priorities, the use of land to meet housing or employment requirement, or the strategic gap between Maidstone and the Medway Gap, or the provision of infrastructure.

## Question 3

**In your opinion, is the Local Plan positively prepared?** No

### **Please give reasons for your answer to Question 3.**

3.1 Integrated Transport Strategy See our comments in Q1 Legally Compliant section 1.3. 3.2 Gypsy and Travellers See our comments in Q1 Legally Complaint section 1.4 3.3 Objectively Assessed Housing Need CPRE Kent is concerned that the 18,560 housing target is an overinflated figure as evidenced by: The SHMA Update June 2015 at Table 5 Projected Population Growth 2011-2031 sets out that population in the borough will increase from 155,764 in 2011 to 189,575 in 2031: an increase of 33,811. Figure 16 Past and Projected Trends in Average Household Size (AHS) shows that the decline in AHS has been slowing down since 2001 and levelled off since 2005. Figure 16 projects an AHS at 2031 of 2.3. If the population change figure of 33,811 is divided by the housing target figure of 18,560 this implies an AHS of 1.8 which is significantly lower than the projected AHS of 2.3. The results of the VISUM modelling update were reported to the Maidstone JTB on 22 February 2016. The modelling was based on a housing target of 14,043 at 2022. The report concludes that a package of highway improvement schemes was required to result in a level of traffic impact on the highway network that is not regarded as severe in the context of the NPPF. The full housing target of 18,560 has still to be tested and there is no evidence that the highway network could cope with this scale of development. Without an agreed final ITS being available, it is impossible to see whether or not this is the case. 3.4 Supporting infrastructure In order to deliver the social, recreational and cultural facilities and services the community needs NPPF Para 70 requires planning policies to “plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.” The NPPF para 47 requires land to be deliverable and developable. CPRE Kent is concerned that many of the items identified in the Infrastructure Delivery Plan (February 2016) have unknown costs associated with them. For example:

- South East Maidstone Strategic Development Area transport schemes HTSE7, 10, 11, and 12
- North West Maidstone Strategic Development Area transport schemes HTNW 1, 6, 7, 8, 9, and 10
- Most of the schemes required at Headcorn, Marden, Staplehurst and Yalding have unknown costs.
- The cost of health facilities, and open space are unknown.
- The cost of providing waste water treatment to support the H2 housing sites is unknown. The actual funding needed to implement the schemes required to support and enable development is unknown. There is no certainty that s106 agreements and CIL payments will be able to meet their full cost. The plan does not therefore provide certainty that the allocations are deliverable and developable. Policy ID1 has a very limited list of priorities which does not include general social and community facilities. With regard to traffic see our comment in Q1 Legally Compliant section 1.3.

### **Question 4**

**In your opinion, is the Local Plan justified?** No

### **Please give reasons for your answer to Question 4.**

4.1 Brownfield land CPRE Kent has fundamental concerns with the plan strategy. The local plan at para 17.59 states “the development strategy for the borough is based on meeting future housing need through best use of previously developed land before releasing greenfield sites for development in order to protect the borough’s valuable landscape and biodiversity needs.” However, the vast majority of housing (84%) is allocated on greenfield sites. This is not only contrary to the stated aim of the plan but also the eighth point of NPPF para 17 and NPPF para 111. The allocation of such a high proportion of greenfield sites, which are generally easier and cheaper to develop than brownfield sites, will not encourage brownfield and previously developed land within Maidstone town to be brought forward and developed. Redevelopment within and around the town centre will help support the town centre’s vitality and viability. 4.2 Dispersed development pattern: The local plan provides for a dispersed development pattern. Whilst this has been a stated approach since the 2007 Core Strategy Preferred Options the reality has been different and as the plan has progressed. For the rural communities it has changed from a dispersed development pattern to a concentrated development. At 2007 the Strategy included 5 Rural Service Centres and 21 larger villages by this present Regulation 19 consultation it has been reduced to 5 Rural Service Centres and just 4 larger villages. The Core Strategy Preferred Options 2007 document identified 5 Rural Service Centres and 21 larger villages. The Rural Service Centres were to provide 6% of the housing target, or 605 new dwellings, mainly in the form of minor extensions (5%). The 21 larger villages were also identified to provide 5% of the housing

target, 504 new dwellings, in the form of minor development. The extent of new housing at the same five Rural Service Centres has risen since then and the Regulation 19 document now proposes that they provide 3109 new dwellings (17% of the borough housing target), whilst the 21 larger villages have been reduced to 4 and these are required to provide 1421 new dwellings (8% of the borough housing target). The new figures now require major, rather than minor, extensions. Just over half of the Rural Service Centres housing figure (1655) is allocated at Lenham. This is more than double the number of dwellings on the 2011 Census Parish figure of 1496. CPRE Kent is concerned that the dispersed development pattern has changed beyond recognition. It has resulted in a significant increase in the target for the five Rural Service Centres (from 5% of the borough wide target to 17%), and will completely change their village character, especially at Lenham. The larger villages where new dwellings are to be located have been reduced from 21 to 4, concentrating more development in fewer locations and has distorted development in the rural settlements.

**4.3 Rural Service Centres** With regards to rural areas the NPPF at para 55 states that housing should be located where it will enhance or maintain the vitality and viability of rural communities. The plan proposes significant growth at a number of villages, such as Lenham (+110%), Staplehurst (+30%), Marden (+28%), Harrietsham (+28%) and Headcorn (+27%). At some villages this has already been exceeded, for example at Headcorn over 700 dwellings have been permitted compared to the 423 allocated in the plan. Key local issue 2 (Page 10 of the plan) seeks to maintain the distinct character and identity of villages. We consider that the scale of development proposed at the Rural Service Centres and Larger Villages will have a negative effect on these settlements. The scale of development is also disproportionate to their existing size and does not respect their rural setting. NPPF paragraph 37 requires planning policies to aim for a balance of land uses within their areas so that people can be encouraged to minimise journey lengths for employment, shopping, education and other activities. 2011 Census data shows that higher proportions of residents in the Rural Service Centre parishes travelled 10km or more to work than for the borough as a whole. This indicates that the centres do not provide the type of jobs (such as industry or occupations) that meet the skills of residents, or that the salary levels are insufficient for residents. See following table: Travel 10km and over to work Maidstone Headcorn Lenham Staplehurst Marden Harrietsham All 34.4 49.5 52.7 45.9 44.8 55.4 Full-time 20.3 35.8 41.9 30.4 30.9 44.7 Part-time 39.8 55.5 58.0 52.4 51.2 59.9 2011 Census Table LC7605EW - Distance travelled to work by hours worked

CPRE Kent is concerned that the Rural Service Centres are too far away from Maidstone town centre or other major centres for reduced journey lengths in line with the NPPF. The scale of development proposed at the Rural Service Centres is unlikely to result in more sustainable journeys and is more likely to result in increased vehicular traffic. The allocation of some sites are not consistent with the policy approach in the Regulation 19 document, for example some lie within Landscape designations protected by policy SP17 Countryside, and others are contrary to Key local issues / the Spatial objectives / policies SS1 and DM12.

**4.4 Lenham** CPRE Kent considers that the identification of Lenham as a future location for growth for 1,500 dwellings as this would more than double the size of the village. This would be contrary to the stated purpose of rural service centres as set out in policy SS1 (5) which seeks to meet the needs of the local community. The housing allocations are in the immediate, open foreground of the North Downs AONB contrary to policies SS1 (10) and SP17 (5) which seek to protect the AONB's setting. At 2011 Census just over a third (36.5%) of economically active residents travelled between 10km and 30km to work, nearly double the borough average (20%), whilst the percentage travelling under 10km was almost a quarter (23%) well below the borough average (44%). The 2011 Census Travel to Work data shows that two-thirds of people travelled to work by car. Few travelled by train (8.5%) even though the village has a station. This is most likely because the station is at the southern end of the village. It is also away from the housing sites in the SHLAA that will support the 1,500 new dwellings. Less than 1% travelled to work by bus. Based on existing travel to work patterns increasing the population of the village will result in additional vehicular movements, turning the village into a commuter settlement. It will not therefore be a sustainable location.

**4.5 Woodcut Farm (policy EMP1 (5))** CPRE Kent is considers that this is an unsustainable location for employment uses. Previous planning applications for employment uses at and around M20 junction 8 – Kent International Gateway and recently for Waterside Park have been refused at Inquiry. See our separate representation to this policy

## Question 5

**In your opinion, is the Local Plan effective?**

No

**Please give reasons for your answer for Question 5.**

5.1 Cross boundary discussions See our response to Q1 Legally Compliant section 1.2. 5.2 Ability to deliver housing target CPRE Kent has serious reservations about the building industry's ability to deliver the housing target due to skills and materials shortages.

**Question 6**

**In your opinion, is the Local Plan consistent with national policy?** No

**Please give reasons for your answer to Question 6.**

6.1 Best and most versatile land Some of the site allocations are on the best and most versatile agricultural land contrary to NPPF para 17 and 112. Other housing allocations are will adversely affect the setting of the AONB contrary to NPPF paras 17, 110 and 115. Land at Woodcut Farm (EMP1 (5)) is not consistent with NPPF paras 23 and 37. 6.2 Greenfield land See our response to Q4 Justified section 4.1 6.3 Rural communities NPPF para 55 promotes sustainable development in rural communities and states that housing should be located where it will enhance or maintain the vitality of rural communities. The plan proposes significant growth at a number of villages such as Lenham (+110%), Staplehurst (+30%), Marden (+28%), Harrietsham (+28%) and Headcorn (+27%). See also our response to Q4 Positively Prepared section 3.4. 6.4 Setting of Listed Buildings NPPF para 126 requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. The Court of Appeal decision on the Barnwell Manor Wind Farm states ' .... Decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings in identifying development sites.' In Gerber v Wiltshire the harm to the setting of a listed building needs to be subject of a properly informed assessment, assisted by the potential impact from English Heritage. CPRE Kent considers that the Plan has not given due regard to the setting of listed buildings in identifying sites. 6.5 Supporting infrastructure See also our response to Q4 Justified section 4.3.

**Question 7**

**Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound.**

CPRE Kent considers that the following are required: 1 Objectively Assessed Housing Need: That a reduced housing figure, one that can be supported by infrastructure, is adopted. 2 Dispersed development pattern: The scale of development in the rural area, including the five Rural Service Centres should be reviewed and set at figures which are at a more appropriate to the village and do not involve large housing sites. 3 Lenham: That the village is not identified as a strategic broad location. 4 Housing allocations: That the plan strategy dissuades the use of greenfield sites in order to encourage the redevelopment of appropriately located brownfield / previously developed land, especially within the Maidstone urban area. 5 Gypsy and Travellers: That a new GTTSAA is produced that is compliant with government guidance. 6 Draft Integrated Transport Strategy (ITS): That the plan is guided by an ITS that is agreed with KCC and the Maidstone JTB. 7 Infrastructure Delivery Plan: the plan should include one. 8 Woodcut Farm: That the allocation (EMP1 (5)) is deleted.

**Question 7**

**If your representation is seeking a modification to the Local Plan, do you consider it necessary to speak at the Independent Examination?** Yes

**If you have answered 'Yes' to Question 7, above, please outline why you consider this to be necessary.**

There needs to be a full discussion at the Examination about the following matters: 1 The overall scale of development, including in the context of a sustainable Integrated Transport Strategy and the requirements for supporting social and community infrastructure. 2 The scale of development at the

Rural Services Centres and Larger Villages: the impact this will have on their character and identity: and whether they are sustainable locations. 3 The adverse impact of policy H1 housing allocations on the setting of listed buildings. 4 The high reliance on greenfield sites to deliver the plan's strategy 5 The allocation of Woodcut Farm for employment (policy EMP1 (5)). 6 The suitability of the GTTSAA