

## **Report to Maidstone Borough Council**

**by David Spencer BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Date: 8 March 2024

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Maidstone Local Plan Review**

The Plan was submitted for examination on 31 March 2022

The examination hearings were held between 6-8 September 2022, 8-24 November 2022, 16-25 May 2023 and 5-9 June 2023

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## Abbreviations used in this report.

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty <sup>1</sup>
BNG	Biodiversity Net Gain
Dpa	Dwellings per annum
DfT	Department for Transport
DtC	Duty to Cooperate
EDA	Economic Development Area
EDNS	Economic Development Needs Study
EIA	Environmental Impact Assessment
GTTSDDP	Gypsy, Traveller and Travelling Showpeople Development Plan Document
GTTSAA	Gypsy, Traveller and Travelling Showpeople Accommodation Assessment
Ha	Hectares
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
ITS	Integrated Transport Strategy
KCC	Kent County Council
KDNL	Kent Downs National Landscape <sup>2</sup>
LBL	Lenham Broad Location
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Areas of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SLAA	Strategic Land Availability Assessment
SOBC	Strategic Outline Business Case
SoCG	Statement of Common Ground
SPA	Special Protection Areas
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage Systems
WWTW	Waste Water Treatment Works

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<sup>1</sup> See Footnote 2 below.

<sup>2</sup> On 22 November 2023 Areas of Outstanding Natural Beauty (AONBs) were re-branded as "National Landscapes". The legal designation and policy status of these areas remains unaffected.

## Non-Technical Summary

This report concludes that the Maidstone Local Plan Review provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications (MMs) can be summarised as follows:

- Extend plan period from 1 April 2021 to 31 March 2038 with consequential amendments to both the housing, employment and retail requirements to be planned for.
- Increased detail in the strategic policies for the two garden settlement proposals at Lenham Heathlands and Lidsing, in relation to: (i) the delivery and phasing of infrastructure to support sustainable growth; (ii) how development should address the proximity of the Kent Downs National Landscape (KDNL); and (iii) the specific measures required to ensure potential impacts on protected habitats are appropriately mitigated as required by the Habitats Regulations. A number of other MMs to these policies are also recommended.
- Removal of the proposed safeguarding area for a Leeds-Langley Relief Road and associated strategic policy because it is not justified.
- Additional detail in the strategic policy for the redevelopment of the Invicta Park Barracks site in Maidstone.
- A new strategic policy on housing delivery to reaffirm the minimum housing requirement (19,669 dwellings over plan period) and its delivery through a revised stepped housing trajectory.
- Additional policy content for various site allocations and for larger and more complex sites the insertion of concept framework plans to clarify net developable areas where significant areas of green infrastructure is required by the site policy.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Maidstone Local Plan Review in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF) at paragraph 35 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Maidstone Local Plan Review, submitted at the end of March 2022 is the basis for my examination. It is the same pre-submission document as was published for consultation in October 2021.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound [and /or not legally compliant] and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA and HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the

submission policies map comprises the set of plans identified as Local Plan Review Policies Map as set out in LPRSUB003.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies would be effective.
7. These further changes to the policies map were published alongside the MMs as Document ED122 Schedule of Proposed Policies Map Modifications to the Regulation 19 Maidstone Local Plan Review.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the submitted Local Plan Review Policies Map document and the further changes published alongside the MMs.

## **Context of the Plan**

9. The Borough currently benefits from a Local Plan adopted in 2017. This Plan contained Policy LPR1 which anticipated a first review of the plan being adopted by April 2021. The scope of the Plan Review includes the spatial strategy, strategic policies, new site allocations and updated development management policies. Accordingly, those parts of the 2017 Local Plan would be superseded by the adoption of the Plan.
10. The Plan Review has needed to address a significant uplift in housing need from the figure of 883 dwellings per annum (dpa) in the 2017 Local Plan to a local housing need figure of 1,157dpa (an increase of 31%). Accordingly, whilst the 2017 Local Plan provides some of the foundations for the plan review, significant new content has been required.
11. In terms of planning for sustainable development over the plan period, the county town of Maidstone, with its rail connections and position on the M20, represents the only sizeable urban area in what is otherwise a mainly rural Borough. The northern edge of the Borough fringes the Medway Towns conurbation, close to the M2 motorway. Elsewhere larger villages can be found along the A20 and Ashford railway line in the north-east of the Borough or strung along the Tonbridge railway line through the Low Weald in the south of the Borough. A small area at the western edge of the Borough is within the Metropolitan Green Belt.

12. The backbone of the chalk downs and escarpment of Kent Downs National Landscape (KDNL) is a prominent feature across the north of the Borough. This area also contains the North Downs Woodland Special Area of Conservation (SAC). Various watercourses meander through the Borough including the River Medway and its tributaries, forming pleasant valleys through the undulations of the Greensand hills and the Low Weald. Watercourses in the east of the Borough, notably the Great Stour, are within the catchment of the Stodmarsh Ramsar<sup>3</sup>, Special Protection Area (SPA) and Special Area of Conservation (SAC) site, where nutrient neutrality is an imperative to maintaining habitat integrity.

## **Public Sector Equality Duty**

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the accommodation needs for gypsies and travellers, older persons accommodation, accessible and adaptable housing and access to community facilities.
14. The Plan was accompanied on submission by an Equalities Impact Assessment [LPR1.62]. This has considered the impacts of the Plan on those with protected characteristics. The analysis identifies generally positive or neutral effects arising from the Plan's policies and proposals. There are specific policies concerning gypsies and travellers, specialist accommodation for the elderly, safe, inclusive and accessible environments and improved access to employment and community facilities that should directly benefit those with protected characteristics. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. The MMs have been subject to an Equalities Impact Assessment [ED129] which demonstrates that the proposed changes would not result in any adverse impacts on groups with protected characteristics.

## **Assessment of Duty to Co-operate (DtC)**

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. Notwithstanding the presence of Green Belt, National Landscapes and notable areas of flood risk, the Plan seeks to meet the development needs of the Borough in full and to align growth and infrastructure. The strategic matters, in accordance with NPPF paragraphs 20-23, have been appropriately identified. This includes the significant levels of housing growth to be accommodated within the housing market area. On this and other strategic matters, during the

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<sup>3</sup> Ramsar Convention on Wetlands of International Importance (UNESCO, 1971).

four years from inception of the Plan up until its submission, the Council has engaged constructively and on an on-going basis with strategic policy-making authorities and relevant bodies. This is evidenced through various signed statements of common ground (SoCG) on plan submission. The SoCGs are in accordance with the relevant guidance on plan-making set out in the PPG<sup>4</sup>.

17. In relation to the proposed new garden settlement proposals at Lenham Heathlands and Lidsing, both proposals are on the boundary of the Borough. In respect of Ashford Borough, a signed SoCG identifies the appropriate strategic matters. It demonstrates that Ashford Borough Council are appraised of the Lenham Heathlands proposal, that there will be cross-boundary implications (principally transport and water resources in the Stour catchment) and they will work constructively together on cross-boundary infrastructure issues<sup>5</sup>.
18. On submission, a full draft SoCG with neighbouring Medway Council remained unsigned. From everything I have read, including the unsigned SoCG, at officer level there has been appropriate engagement and professional efforts to consider the impacts on Medway through plan making activities (further evidenced in documents ED23 and ED41A-S). Medway Council has maintained in both its Regulation 19 representations and at the examination hearings, that with respect to cross-boundary strategic matters during the preparation of the Plan, the legal DtC had been satisfied by Maidstone Borough Council. The principal matter of contention is the location of the Lidsing proposal relative to the Medway towns conurbation and the extent of potential impacts on environmental assets and infrastructure in Medway. Medway Council's concerns are entirely understandable, but I consider them to be matters of plan soundness rather than a failure of the DtC.
19. Notwithstanding the unsigned SoCG I am satisfied that mechanisms exist to enable on-going joint working. Medway Council has clearly articulated in its evidence on the Plan and to the examination its concerns regarding impacts from Lidsing and what mitigation in Medway would be likely required. I deal with the soundness of the Lidsing proposal in Issues 1 and 2 below, but I am satisfied that in addition to existing forums for ongoing dialogue between the two authorities, the required masterplanning and Supplementary Planning Document (SPD) processes for Lidsing will require the important input of Medway Council to secure genuinely sustainable outcomes<sup>6</sup>. Overall, and notwithstanding the absence of a signed SoCG, I find that the Borough Council, in preparing the Plan, has met the legal DtC in respect of those strategic matters that cross the administrative boundary with Medway.

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<sup>4</sup> PPG paragraphs 61-010-20190315 to 61-013-20190315 (inclusive)

<sup>5</sup> See Page 139 of the Duty to Cooperate Statement 2022 (LPR5.5)

<sup>6</sup> Including projects identified in Medway in the Infrastructure Delivery Plan (IDP) that would arise as a consequence of the Lidsing Garden Community proposal.



20. I also note the demonstrable engagement with Kent County Council (KCC), Natural England and National Highways, through the evidenced DtC material. I consider this to be integral in producing a positively prepared and justified strategy in the terms identified at NPPF paragraph 26.
21. There is a concern from some neighbouring authorities regarding Maidstone's gypsy, traveller and travelling showpeople need. There is no claim, however, that plan preparation has failed the DtC on this strategic matter. The Council, has through, strategic policy in the Plan, committed to preparing a separate development plan document on the matter and proposed MMs set out below in this report seek to clarify that Maidstone intends to meet its gypsy, traveller and travelling showpeople accommodation needs in full through that document. This accords with the various SoCGs with neighbouring authorities signed by Maidstone Borough Council confirming it would seek to meet its own needs.
22. Based on everything I have read and heard, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Dtc has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### Timetable and Consultation

23. The Plan was prepared and submitted in accordance with the Council's 2021 Local Development Scheme. Given the length of the examination, the Local Development Scheme was updated in 2023. Most revised milestones have been met, although delivery of this report and adoption have slipped slightly to enable further consultation on technical documents produced in the very last stages of the examination.
24. Consultation on the Plan and the MMs was carried out in compliance with the relevant Regulations and the Council's Statement of Community Involvement, including required adjustments during the Covid pandemic. In relation to the proposed garden settlement developments at Heathlands and Lidsing these were identified at an early stage as part of the Regulation 18b consultation in late 2020. Significant comment has been generated on both proposals and on other aspects of the Plan.
25. Whilst much credit should go to community groups, parish councils and local Borough councillors in raising awareness of, and accumulating comments from local residents on the proposed spatial strategy including the garden settlement proposals, there is little to indicate that communities have been impeded from the fair opportunity to make comments on the Plan at the required stages. The submitted Consultation Statement explains how consultation responses at the early Regulation 18b stage informed the published content of the submitted

Plan further consulted on in Autumn 2021. The Council actively considered representations in Autumn 2021 and suggested various possible modifications to the Plan when it was submitted in 2022.

26. The Council has met the minimum consultation requirements for plan-making and has engaged appropriately with statutory consultees.

#### Sustainability Appraisal, including Strategic Environmental Assessment

27. The Council carried out SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under Regulation 19 [LPRSUB002a]. The appraisal was updated in September 2023 to assess the main modifications [ED124]. The SA report also addresses the requirements of Strategic Environmental Assessment (SEA) Regulations alongside the key sustainability issues for the Borough. The SA reporting clearly incorporates the requirements of SEA, with Table 1.1 of the report providing a useful overview of where SEA requirements are covered in the report. Chapter 2 of the SA addresses relevant methodological issues in terms of compliance with the SEA requirements and the PPG guidance.
28. The SA of the plan is comprehensive in its coverage. It deploys a recognised approach for systematic and transparent appraisal, drawing on an extensive baseline of evidence presented and referenced in the SA report. SA is not a scientific task intended to formulate a definitive answer. It is a process to appraise those reasonable options that could comprise sustainable development and to advise on potential mitigation where adverse impacts are identified. It is entirely conceivable that some options will perform reasonably closely, even where it involves markedly differently outcomes against the individual SA objectives. SA requires a balanced approach, looking across the various objectives and indicators. Appraising the reasonable options against the individual objectives requires judgements. The SA report contains appropriate detail to explain how the reasonable options have been identified and then appraised and refined. The SA report has applied reasonable judgements and appraisals when assessing the various options.
29. A key issue for the SA is the spatial strategy options and in particular the approach to identifying the proposed garden community options. This includes when and how alternative options were discounted and how reasonable options were appraised. Within this are methodological concerns regarding the distinction between SA and the technical evidence, particularly the two reports on the suitability and deliverability of Garden Communities prepared for the Borough Council in 2020. It is the role of SA to assess reasonable options. As such there is a role for detailed technical work, including the Strategic Land Availability Assessment (SLAA), to do the initial sieving to determine what are the reasonable options to be appraised. It is not necessary for compliance with

SEA requirements for the SA report to examine in detail the initial long list of seven options for garden community scale development.

30. The SA process has considered high level spatial strategy options (including the 'do nothing' of continuing the 2017 Local Plan spatial strategy). The SA report explains how spatial strategy options have been refined including the discounting of an option at Leeds-Langley<sup>7</sup> following the Council's technical evidence. It has subsequently considered three reasonable options for garden settlements in various spatial strategy permutations (for example a spatial strategy of 1 or 2 garden settlements, and combinations thereof). The SA of the Plan includes detailed findings of its assessment at Appendix C and explains why the Borough Council, as the plan-making authority has chosen the preferred spatial strategy. Overall, I find the SA report is suitably comprehensive in setting out the basis of the spatial strategy options selected for appraisal and the garden community options that have been reviewed.
31. The SA baseline includes comprehensive evidence on the landscape such that the appraisal has been informed by a solid understanding of the Borough's landscape. The detailed commentary within the SA identifies the impacts on the KDNL and does not downplay them. It also identifies that the other reasonable option for a garden settlement is in an area of high landscape sensitivity. The SA report has also been subject of engagement with the SEA bodies as required. There are no concerns or objections from Natural England on either the SA methodology or how the landscape objective has been appraised.
32. Overall, Plan preparation has been accompanied by a thorough but proportionate approach to SA, including a transparent assessment of the reasonable options and an audit trail of how the reasonable options have been refined. All reasonable spatial strategy options in the Borough have issues given the scale of growth and the environmental context. The SA has been updated in light of the proposed MMs and confirms that the Plan, subject to these modifications, would promote a sustainable pattern of development in the terms found at paragraph 11a) of the NPPF.

#### Habitats Regulations

33. The pre-submission plan was accompanied by a HRA Report (September 2021)<sup>8</sup>. The report appropriately identifies those protected sites that could be potentially affected by the Plan's proposals. This includes the sites within the Borough, and other sites where there are potential pathways for impacts. This includes the Stodmarsh Ramsar, SPA and SAC site near Canterbury within the Stour catchment. Various sites in Medway have also been considered. As required the HRA report takes into account other plans and projects and

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<sup>7</sup> LPR1.4, paragraph 4.22 and paragraphs 4.30-4.36

<sup>8</sup> Document LPR1.19 & Submission Addendum LPRSUB005a

considers the effects of policies and proposals in the Plan in combination with these. It does so in line with the case law<sup>9</sup> such that it does not take account of potential mitigation at the initial assessment stage. Accordingly, in relation to matters of water quality, air quality and recreational impact, various policies of the Plan are likely to result in significant effects on the qualifying features of protected sites. Consequently, an Appropriate Assessment (AA) has been undertaken within the HRA.

34. The potential impacts of the Plan's proposals to the North Downs Woodland SAC relate to air quality (nitrogen deposition from traffic) and recreational disturbance (off-road vehicles). The likely significant effects principally, but not exclusively, arise from the proximity of the Lidsing garden settlement proposal. In terms of recreational disturbance, the AA concludes this can be appropriately mitigated through access management to prevent off-road vehicles and to keep walkers to designated paths.
35. In relation to air quality, the issue has been complex and at the time of plan submission AA was not able to positively conclude that there would be no adverse effect on site integrity in the absence of a mitigation strategy. Additional modelling work has been undertaken during the examination to look at traffic flows that are likely to assign to routes through the SAC during the plan period and assumptions on the uptake of electric vehicles. Additional work has also looked at the condition of the habitats in those parts of the SAC likely to be affected by traffic movements. The outcome of the additional work identified that of the three roads passing through the SAC (A229, A249 and Boxley Road), the modelling outputs show that only Boxley Road would experience nitrogen deposition greater than the 1% of the site relevant critical loads within 10 metres of the affected road network.
36. The AA process has considered technical options for mitigation which broadly comprise travel planning and measures to discourage the use of Boxley Road. Further modelling work has revealed that traffic calming and other measures to dissuade the use of Boxley Road would be effective in managing nitrogen deposition to acceptable levels. This would require additional content within the Plan, and I address this elsewhere in the report as part of the consideration of sufficient safeguards in Policies LPRSP14a and LPRSP4b. The AA recognises that the detail of road layouts remains to be determined and agreed but for this Plan an effective mitigation strategy exists to ensure that adverse effects on the integrity of the SAC due to air pollution can be avoided.
37. There is concern that the Plan is defaulting a necessary level of appropriate assessment to the project level rather than at the Plan level, contrary to the precautionary principle. A package of potential measures comprises the strategy at this stage and through MMs this would be clearly embedded in the

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<sup>9</sup> CJEU Case C-323/17 People Over Wind v. Coillte Teoranta

plan. Natural England have raised no concerns with this approach as part of their consideration of the HRA addendum that accompanied the MMs.

38. The other significant HRA issue for this Plan has been the Stodmarsh Ramsar, SAC and SPA site and nutrient neutrality. On submission for examination, the AA conclusion was one of no adverse effect on site integrity subject to mitigation including policy requirements in the Plan in relation to general safeguarding of water quality and that the Heathlands Garden Settlement<sup>10</sup> and other developments (including the Lenham Broad Location (LBL)) are served by appropriately permitted discharges from waste water treatments works (WWTW) and wetlands provision. Further work has been required during the examination to assure Natural England that a conclusion of no adverse effect on site integrity is justified. This has included using Natural England's revised nutrient calculation methodology [ED36] and demonstrating options that wetland provision can be supported without abstraction from the Stour [ED80].
39. As a consequence of this work, an updated SoCG was entered into with Natural England in March 2023 [ED99], advising that nutrient neutrality can be achieved in the Stour in relation to the Heathlands and LBL developments in the Plan, when applying the latest calculation methodology. Various policy safeguards are presented in the Plan at Policies LPRSP14(a), LPRSP4(a) and LPRSP5(b) subject to related MMs which are addressed elsewhere in this report. An HRA addendum was published in September 2023 to reflect the MMs and concludes there would be no adverse effect on the integrity of Stodmarsh<sup>11</sup>.
40. I appreciate that the evidence presents technical options which are necessarily strategic and may well evolve over time. A significant amount of work has been undertaken for Heathlands to inform the HRA of the Plan. In terms of a new WWTW for Heathlands there is nothing to prevent this being a private facility built to the appropriate standards and subject to the necessary permits for the required quality of discharge. All of this needs to be considered against the areas of farmland that would be taken out of production. Some detail on the location of Wetland provision to filter and manage surface water before discharge into the watercourse has been presented. This would be subject to further assessment as part of the detailed SPD and masterplanning stages. At present sufficient evidence has been presented to demonstrate a deliverable approach.
41. Elsewhere, the HRA has carried out AA in relation to likely significant effects on the Medway Estuary & Marshes Ramsar and SPA, the Thames Estuary & Marshes Ramsar and SPA and Queensdown Warren SAC. The principal issues are in relation to recreational pressure and water quality. Various established mitigatory measures are in place, for example tariff mechanisms for

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<sup>10</sup> Drawing on the Heathlands Garden Community Nutrient Neutrality Assessment (Ramboll, September 2021) Document LPR1.93

<sup>11</sup> ED123, Addendum HRA, paragraphs 2.15, 2.16, 4.4 and 4.16

funding access management and monitoring within 6km of the Medway Estuary and Marshes site and on-site green infrastructure provision. Overall, the AA concludes that there would be no adverse effects on the integrity of these sites.

42. Overall, a comprehensive HRA process has been undertaken prior to and during the examination. It confirms that a full AA has been undertaken, reflecting that the Plan's proposals would have some negative impact which requires mitigation. This mitigation has been identified in the Plan, including through the MMs. Ultimately, the HRA process has been able to conclude after AA, and the consideration of mitigation, that adverse effects on the integrity of the identified protected sites can be avoided.

#### Other Aspects of Legal Compliance

43. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
44. The Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This includes policies on sustainable transport (encouraging modal shift) and good design (low energy design, low water usage, renewable or low-carbon energy). The Plan also includes a strategic policy on Climate Change which sets out an over-arching approach to the necessary transition to a low carbon future and to improve resilience to the effects of climate change (including flooding).
45. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Assessment of Soundness

### Main Issues

46. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 11 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan. For the avoidance of doubt, the assessment of soundness in respect of consistency with national policy is the 2021 NPPF and associated PPG.

## **Issue 1 – Whether the Spatial Strategy would be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.**

### The Submitted Plan

47. On submission there was variable clarity on which parts of the 2017 Local Plan would be superseded. To assist decision-makers I recommend **MM108** for effectiveness, which would insert a new appendix to the Plan setting out those policies of the 2017 Local Plan which would not be superseded when the Local Plan Review is adopted. I also recommend **MM1** which would amend the introduction to the Plan to provide clarity on the 2017 Local Plan policies which have not been superseded by this Plan. Additionally, **MM62** would update Table 8.1 of the Plan and would remove those 2017 Local Plan site allocations that had been completed between plan submission and end of March 2023, and therefore not contributing to deliverable supply at the point of plan adoption. I recommend these modifications for effectiveness.
48. The Plan, when adopted, would form part of the wider development plan for the area, alongside KCCs Minerals and Waste Local Plan, Neighbourhood Plans and other development plan documents. Part of the River Medway in the Borough is tidal (to Allington Lock) and so regard should be given to the Marine Management Organisation's South East Marine Plan in this part of the Borough. **MM2** would address this omission and provide necessary referencing in the Plan, and I recommend it for effectiveness.
49. The individual site allocation policies in the Plan need to be modified to remove references to be being "draft" and to make clear they are as shown on the Policies Map. I recommend **MM61** as a collective change to the wording of all the site allocation policies in this regard. This MM would be necessary to ensure the Plan is positively prepared and effective.

### **Plan Period and strategic policies**

50. The Plan was submitted in March 2022 and anticipated to be adopted by the end of 2022 such that the proposed plan period to 2037 would have looked ahead for 15 years as sought by paragraph 22 of the NPPF. Given the complexity of the examination that has not happened. Accordingly, it was proposed early in the examination to extend the plan period by one year to 31 March 2038. The reality is that with plan adoption now in 2024, even on this extended basis there would be a small undershoot on a 15 year period. I do not, however, consider that to be a further soundness issue. For reasons set out later in this report, the submitted plan seeks to put in place key components of a spatial strategy that will endure well beyond a 2038 plan period.

51. The start date of the plan period will need to be amended from 1 April 2022 as submitted. Adjusting the start date to 1 April 2021 would align with much of the submitted evidence base, including the SHMA<sup>12</sup> and EDNS. It would also reflect that the Plan was submitted for examination before 1 April 2022. Furthermore, it would enable an initial two years monitoring data on housing delivery in 2021/23 to be accounted for in the housing trajectory. Accordingly, I recommend **MM7** which would adjust the plan period and so ensure the Plan would be justified in terms of aligning with the evidence base against which it was prepared.
52. For consistency with national planning policy at paragraph 22 of the NPPF<sup>13</sup> the Spatial Vision in the submitted Plan needs to look further ahead than 2037 given there are components of the plan, such as the new garden communities, where delivery would extend beyond this timeframe. **MM4** would address this by removing the reference to 2037 and acknowledging elements of the spatial strategy look further ahead than the plan period. I recommend the MM for consistency with national planning policy at NPPF paragraph 22.
53. The vision for the Lidsing garden community in the submitted plan recognises its long-term perspective (to 2057) but similar is required for the over-arching vision for the Heathlands garden settlement. **MM13** would do this, and so I recommend it to ensure consistency with national planning policy at NPPF paragraph 22.
54. NPPF paragraph 20 identifies what strategic policies should cover and paragraph 21 of the NPPF says these should be explicitly identified. Strategic policies are also relevant in terms of the basic conditions test for Neighbourhood Plans, in terms of ensuring necessary general conformity. A number of the policies in the Plan are identified as strategic policies. Other policies, notably the site allocation policies, are also to be considered strategic policies to ensure any Neighbourhood Plans consistently reflect them. **MM109** would insert a new appendix into the Plan clearly identifying the 'Strategic Policies'. This would be necessary for consistency with NPPF paragraph 21. **MM3** would provide required clarity in the introductory section of the Plan, in terms of confirming the policies in the new appendix are those strategic policies for the purpose of neighbourhood planning and I recommend it for similar reasons as **MM109**.

## Housing Need and Requirement

55. The Plan was submitted for examination on 31 March 2022 based on an assessment of housing need using the advocated standard method for calculating need. The 2021 Strategic Housing Market Assessment (SHMA) update appropriately applies the formula of the standard method in accordance

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<sup>12</sup> The SHMA 2021 Update Local Housing Need calculation is based on 2020 Affordability inputs as per PPG paragraph 2a-008-20190220

<sup>13</sup> Further amplified at PPG paragraph 61-083-20211004



with the PPG. At the time of the SHMA the affordability ratio derived a minimum annual housing need figure of 1,157 dpa as set out in the submitted Plan, as consulted on in late 2021. Immediately prior to submission, however, revised median workplace-based affordability ratios were published<sup>14</sup> on 23 March 2022 (8 days prior to submission) resulting in a modest increase for Maidstone Borough to 1,194dpa.

56. Whilst I appreciate the PPG states at paragraph 2a-004-20201216 that the most recent affordability ratios should be used, the test of soundness applies to the plan as submitted. The plan that had been consulted on at Regulation 19, only a short time period before submission had applied the recent 2020 affordability ratios available at that time, as per the latest 2021 SHMA update. As submitted the Plan has sought to significantly boost the supply of homes consistent with NPPF paragraph 60 (a 31% uplift from the 2017 Local Plan figure of 883dpa). As set out further under Issue 7 below, the Plan would comply with other provisions of the NPPF to significantly boost housing supply, in terms of a deliverable supply for first five year period and a developable supply in years 6-10.
57. The PPG at paragraph 2a-008-20190220 advises that the local housing need figure should be kept under review and changes in the inputs are variable and this should be taken into consideration. In considering the 2022 adjustment to affordability, this would equate to less than half a year of supply, in a plan which would firmly deliver a significant boost in housing supply. As such I do not consider it necessary to revise the local housing need figure on this basis. The Plan is required to be reviewed within five years and this would be the appropriate point at which to carefully revisit the local housing need figure.
58. Through the Dtc process no adjoining authority, including within the wider housing market area, has requested assistance to help meet any unmet housing needs. Reference is made to wider unmet housing need in the Greater London area. Whilst I recognise there were concerns on the adoption of the 2021 London Plan regarding the ability to deliver sufficient housing, there is little before me that matters have moved forward during the preparation of this Plan. Accordingly, it would not be necessary for soundness for this Plan to accommodate an arbitrary quantum of unmet housing need in the absence of any agreed strategic approach between Greater London and the wider South-East authorities, if indeed, that is ultimately deemed to be required.
59. In terms of translating the housing need into a separate housing requirement figure, it would not be necessary for plan soundness for the housing requirement to be higher than the housing need figure. In terms of whether the figure should be lower, there is little doubt that the scale of growth will have some negative environmental impacts, as demonstrated in the SA report.

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<sup>14</sup> Resulting in an uplift in the affordability ratio for Maidstone from 10.0 (38%) to 10.85 (43%).

These include harms to landscape quality, a further demand on stressed water resources, the loss of areas of best and most versatile agricultural land and potential impacts on protected habitats. These harms are not unique to the proposed spatial strategy. They are the consequence of a significant level of growth in a predominantly rural Borough.

60. There is, however, no evidence through the SA or HRA processes or the various SoCGs with bodies such as Natural England or the Environment Agency, that potential adverse effects arising from the proposed levels of growth are such that environmental capacity would be unacceptably breached. Various mitigations are proposed in the Plan such that when balancing residual environmental harms, they would not significantly and demonstrably outweigh the benefits of providing much needed homes and supporting a strong, competitive economy in the Borough. As such housing numbers would not need to be lowered in the terms envisaged at NPPF paragraph 11b).
61. When taken over the extended plan period, the overall housing requirement would need to increase from 17,355 to 19,669. This requirement would need to be expressed as a minimum (i.e. 'at least') consistent with national planning policy at paragraph 61 of the NPPF, which states that housing needs assessments determine the minimum number of homes needed. Accordingly, I recommend **MM7** which would adjust the housing requirement in the spatial strategy at submitted Policy LPRSS1 so that the Plan would be consistent with national policy, justified and positively prepared.

### **Requirements for Employment and Retail**

62. The Plan is underpinned by a comprehensive evidence base on the need for economic development over the Plan period. The initial assessment was undertaken in the Economic Development Needs Study (EDNS) in two stages in 2019 and 2020. This work, consistent with the NPPF and PPG, defines a justified functional economic market area. It appropriately examines the baseline evidence in terms of the existing commercial activity, the labour market and wider economic drivers. I am satisfied that the Plan sets out clear spatial objectives for sustainable economic growth over the plan period consistent with the EDNS evidence which fits with the Council's Economic Development Strategy 2021, the South East Local Enterprise Partnership's Economic Recovery and Renewal Strategy and the Kent and Medway Enterprise and Productivity Strategy.
63. In terms of assessing the requirements for employment space, the EDNS has appropriately looked at scenarios of labour demand (derived from Experian economic forecasts), past trends in completions and estimates of local labour supply based on demographic modelling in the SHMA update. The EDNS Addendum in 2021 has revisited the scenarios to take account of recent changes to the Use Classes Order, impacts of Brexit and Covid-19 and to apply

latest Experian projections for 'labour demand' to cover the time period to 2042 (extending slightly beyond the plan period). The approach taken in the EDNS in terms of the various scenarios considered, clearly accords with the PPG (paragraphs 2a-027-20190220-2a-029-20190220).

64. The outputs of the three scenarios vary but in very broad terms the labour demand (scenario 1) and labour supply (scenario 3) result in positive floorspace requirements over the Plan period whereas past trends (scenario 2) would result in an appreciable contraction. For the various reasons given in the EDNS evidence it would be unreasonable to pessimistically plan on the basis that past take-up rates continue unchanged in the future and so scenario 2 has been appropriately discounted. Matters are more balanced between scenarios 1 and 3. The labour supply approach (scenario 3), unsurprisingly given the significant population growth arising from the housing numbers, generates the highest job growth projections and associated employment space requirements. It can be reasonably described as aspirational, but some caution would be justified given the relatively uncertain macro-economic outlook. In contrast, the labour demand approach (Scenario 1) reflects steady growth with some slight acceleration over the plan period compared with recent trends. In general terms, the forecast land requirements for scenario 3 are more than double those for scenario 1.
65. The EDNS has been consistent in the Stage 2 report (2020) and Addendum (2021) that the Plan should seek to accommodate as a minimum the labour demand (job growth) based requirement (scenario 1). This would ensure business growth potential would not be constrained by a lack of capacity in the Plan period. The EDNS addendum appropriately considers the 2020 Experian local-level employment forecasts which show that after a Covid-19 contraction, the workforce job base recovers to pre-pandemic levels by 2022 before steady growth over the period to 2042. In translating jobs growth to employment land requirement, the EDNS methodology makes appropriate allowances for vacancies and applies a sensible 10% buffer to reflect delays in sites coming forward and loss of existing employment sites. The EDNS also uses reasonable and recognisable ratios of workforce job to floorspace and plot ratios of floorspace to land hectares. The overall approach to calculating the conversion of employment growth forecasts to future employment land requirements is robust.
66. The initial outputs of scenario 1 in the 2020 EDNS for gross employment floorspace requirements was 101,555sqm for 2022-2037, rising to 146,475sqm for 2022-2042. The 2021 EDNS addendum increases these figures to 140,110 sqm to 2022-2037, rising to 206,665sqm for 2022-2042. Some caution needs to be applied to the EDNS addendum employment land requirement, recognising that 'jobs growth' using the 2020 Experian forecasts in the early part of the Plan period is likely to represent a 'catching-up' effect as the economy recovers from the effects of Covid-19. As such, jobs growth in the early part of the Plan period may not necessarily require new employment floorspace. In this context I find

the EDNS Addendum to provide a helpful sense-check on the principal requirement assessment contained in the 2020 EDNS<sup>15</sup>. Given the uncertainties around the impact of Covid-19, however, I do not consider it necessary for soundness that the employment land requirement should be markedly increased from the minimum figure of 101,555sqm as presented in the submitted Plan. This figure would provide for a positively prepared, justified and effective starting point for which to plan and would not constrain the economic potential of the Borough.

67. The floorspace requirement is expressed as a minimum in Policy LPRSS1. Given the extended Plan period above, it will be necessary for soundness to extrapolate the employment land (floorspace) requirement. **MM7** would do this, and I recommend it so that the Plan is justified, positively prepared and effective.
68. Policy LPRSS1 sets out retail floorspace requirements over the plan period based on the evidence in the April 2021 EDNS addendum, which I consider to appropriately reflect expenditure estimates and recent structural changes in the retail sectors, which points generally to consolidation rather than growth. As with the employment land requirements, the modest retail floorspace figures should be extrapolated over the revised plan period, resulting in some minor upwards adjustment in the figures in Policy LPRSS1 so that they are justified and positively prepared. **MM7** would do this, and I recommend it accordingly.

## Spatial Objectives

69. The submitted plan identifies 11 spatial objectives which respond to the strategic issues facing the Borough over the plan period, consistent with the sustainability objectives set out in the SA report. Protection of the natural environment of the Borough (and beyond) is a key factor for the spatial strategy and in particular the presence of the KDNL through the northern part of the Borough and the proximity of the High Weald National Landscape to the southern part of the Borough. The spatial objectives reflect this, but the wording needs to be consistent with paragraph 176 of the NPPF in terms of great weight being given to conserving and enhancing their natural beauty. **MM5** would do this, although the precise wording of the MM needs to be refined to ensure consistency with the NPPF on the issue of setting. Accordingly, I recommend MM5 as amended.
70. Linked to the natural environment, the Plan appropriately contains a broad spatial objective under the umbrella of mitigating and adapting to climate change and which goes on to reference the need to address issues of flooding, water supply and “the need for dependable infrastructure for the removal of sewerage and wastewater.” Overall, the objective is consistent with NPPF

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<sup>15</sup> EDNS Addendum, paragraph 5.6

section 14 and paragraphs 152 and 153. The objective is critical given the known and increasingly tangible impacts of stresses on water resources both in terms of supply, as well as the capacity and quality of water courses for receiving treated wastewater. This is a particular issue for the Stour catchment in the east of the Borough, as considered through the HRA. Given the known need for specific infrastructure to accommodate the planned growth within the Stour catchment part of the Borough additional text is needed to accompany the spatial objective to reflect this and to emphasise the need for the Council and developers to work proactively to secure necessary upgrades to sewerage and wastewater infrastructure. **MM6** would insert additional text in support of Spatial Objective 4, and I recommend it for effectiveness.

### Whether it is an appropriate Spatial Strategy

71. One of the key soundness tests for the submitted spatial strategy is whether it would represent an appropriate strategy for securing a sustainable pattern of development in the Borough. In order to be an appropriate strategy, it needs to perform well against the SA objectives<sup>16</sup> when compared against other reasonable options. It also needs to be effective (deliverable), although this needs to be considered proportionately, when reflecting on the long-term nature of the strategy<sup>17</sup>.

#### Maidstone Urban Area

72. The starting point for the spatial strategy is Maidstone, which is the only significant settlement in the Borough and contains higher order services such as health, education, and retail. It is appropriately identified at the top of the settlement hierarchy as the "County Town". The Maidstone Urban Area is justifiably identified as the first tier of the spatial strategy to accommodate growth over the Plan period.
73. Maidstone was the primary focus for the growth in the 2017 Local Plan including significant housing developments to both the north-west and south-east of the town and employment sites close to the M20 to the north of the town. These sites are progressing well and will continue to make a significant contribution to delivery in the early years of the Plan period.
74. The Plan takes a positive approach to housing and other land uses within the town centre and at the strategic Invicta Park Barracks site. For reasons set out elsewhere in this report, I am satisfied that the Plan optimises the potential of these highly sustainable locations such that there is not a reasonable alternative spatial strategy of significantly higher growth within the urban fabric of the town. The Plan would also release additional major housing sites at the edge of the

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<sup>16</sup> Including the requirements of Strategic Environmental Assessment (SEA)

<sup>17</sup> PPG Paragraph 61-059-20190315

town. Overall, the submitted Plan would direct approximately 60% of the planned housing growth and 37% of the planned employment growth over the plan period within and around the Maidstone Urban Area. This proportion of growth would be commensurate with Maidstone's top tier spatial role.

### Garden Settlements<sup>18</sup>

75. As submitted, after the Maidstone Urban Area, the spatial strategy includes two new large-scale garden settlement proposals, to deliver significant housing and employment growth. An alternative approach to accommodating the significant uplift in housing numbers would be through a continuation of the previous 2017 Local Plan spatial strategy, including a further focus on the Maidstone Urban Area and dispersing an appreciable proportion of growth to rural service centres and larger villages across the Borough. This was assessed as a reasonable alternative strategy, including through SA<sup>19</sup>. However, given the scale of growth identified it would be challenging to sustainably accommodate this in addition to the significant levels of development provided for in the 2017 Local Plan. Moreover, significant incremental growth around the edge of the rural service centres and larger villages would not optimally align growth and infrastructure.
76. Consequently, there are cogent reasons why new large-scale development would secure a sustainable pattern of development in Maidstone Borough consistent with paragraph 73 of the NPPF. This includes, amongst other things, the ability to comprehensively and positively create new places from the outset to secure longer term benefits that would be difficult to secure through incremental and individual smaller scale developments. It would allow the uplift in land values to be used to fund and put in place necessary infrastructure in a timely way to support new and existing communities, including significant levels of affordable housing.
77. I deal with the soundness of the policy detail for the two proposed new Garden Settlement communities at Lenham Heathlands and Lidsing below in Issue 2 but address here their selection as part of the spatial strategy.
78. In respect of Lenham Heathlands, the option has been assembled and presented for assessment as part of the plan-making process, including the SLAA. The project is proposed by the Borough Council, who have now partnered with Homes England to deliver it. Whilst that has led to concerns of undue bias, I have found nothing to support this in the comprehensive evidence base to inform plan-making, including the two volumes of the Garden

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<sup>18</sup> The Plan and the evidence base refer both to Garden Settlements and Garden Communities. I use the term interchangeably in this report, recognising 'Garden Settlements' is the terminology used in the Spatial Strategy.

<sup>19</sup> Preparation of the plan, including SA, initially examined 3 high-level approaches for the spatial strategy (options RA1; RA1a and RA2a). In effect, a do nothing (continue with 2017 Local Plan) and reasonable alternative strategies involving up to four garden settlements.

Communities assessment in 2020 and the separate SA process. Heathlands is one of the options which objectively performs well in SA terms.

79. Both Heathlands and Lidsing are at the edge of the Borough and there is a cynicism that they have been selected on this basis. This is particularly the case with Lidsing and the perception that “Maidstone growth” has been allocated onto the edge of Medway. With regards to Lidsing, the proximity of other urban centres, even if they are in other administrative areas, is a positive factor when assessing the sustainability of potential strategic growth locations. Medway and Maidstone are in the same Travel to Work Area and there are clearly strong synergies between the two areas given their proximity. Notwithstanding its edge of Borough location, it would have been unreasonable for plan-making for the Lidsing option not to be assessed, given it was presented through the call for sites, in a relatively unconstrained location. In respect of Heathlands, it is the ability to achieve a critical mass with a reasonable degree of self-containment and the scope for modal shift by existing bus routes along the A20 and its location on the Maidstone to Ashford railway line, which are clear factors supporting its consideration.
80. In terms of the assessment process for garden settlements and the selection of Heathlands and Lidsing early iterations of the plan identified a significant housing need and the concept of meeting some of that need along Garden Community principles<sup>20</sup>. Through the call for sites process, 7 areas<sup>21</sup> came forward with the potential to meet a minimum scale of development for a Garden Community (1,500 dwellings and associated facilities). All 7 Garden Settlement scale development areas submitted through the call for sites have been subject to a consistent and thorough suitability assessment. This work is more detailed than what might ordinarily occur through a SLAA process.
81. The suitability report discounted 3 options on a combination of locational factors and limitations to fulfil garden community objectives, particularly on sustainable transport and jobs creation. There are always disputes around the extent to which matters could be mitigated or how impacts are assessed. However, as part of a proportionate approach to strategic plan-making I find the assessment for sieving out these 3 options and concluding on the suitability of the four other options to be clear and robust. As such it was entirely reasonable that the further work on delivery and viability focused only on the smaller pool of 4 reasonable options.
82. The second stage deliverability and viability assessment readily determined that there was not sufficient evidence to demonstrate the delivery of the Leeds-Langley corridor, not least the absence of an agreed road alignment. Again, I find the discounting of this option, as a potentially deliverable garden community

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<sup>20</sup> As set out in the Council's Garden Communities prospectus.

<sup>21</sup> Technically 9 areas came forward, but 3 were reasonably amalgamated into 1 option for the Leeds Langley corridor

within the Plan period, at this stage in the process to have been reasonable. Accordingly, it was justified that the 3 remaining options were assessed as being potentially deliverable and viable and that they formed the three reasonable options for large scale garden community developments as part of the spatial strategy.

83. The SA of the Regulation 18b consultation plan in late 2020 and the SA of the proposed submission plan in 2021 [LPRSUB002a] have considered all reasonable options for the spatial strategy. Necessarily, this has been an iterative process. When looking at the summary assessment in Table 2.2 of August 2020 SA Topic Paper [LPR2.54] the eastern orbital road corridor focus (Option RA4) is noticeably the poorest performing. Matters were more mixed for the other options, but at an early stage it was clear the SA of the Regulation 18b Plan (LPR2.55) was appropriately looking at various Garden Settlement options, including Lidsing and Heathlands. The November 2020 SA report, including Table 4.1, provides a clear rationale for what has been tested. This approach appropriately set the parameters for informing the wider evidence base, including transport modelling work.
84. In determining 'reasonable alternatives' the SA makes clear the SLAA process informed the initial seven options and that these were subject to the two stage Stantec work in 2020. The SA adopts the outputs of the Stantec technical work and assesses the 3 reasonable options. In terms of what the SA considered for the garden communities at this stage, the Borough Council provided what it would be seeking as policy requirements. These are presented at Table 5.1 of the November 2020 SA and have remained reasonably consistent including in the submitted plan policies. What I do note from the November 2020 SA for Heathlands is "anticipated" provision of a new railway station and "aspiration that the site contributes to a new M20 junction". In respect of Lidsing is it clear from this early stage that a new arm to Junction 4 of the M2 was anticipated.
85. SA of the Regulation 19 plan was undertaken in September 2021 [LPRSUB002a]. It is a comprehensive report. The findings are comparable to earlier iterations. The scenarios that performed most strongly were Scenarios 3a-c (One garden settlement approaches). Scenarios with two garden settlements generally performed least well because any negative effects of two garden settlements are multiplied compared to one settlement. However, the SA acknowledges at paragraph 4.29 that scenarios with garden settlements could provide longer term benefits in terms of their masterplanning.
86. Table 4.8 of the 2021 SA shows the findings for the 3 garden settlement options and again the outcomes are mixed. The 2021 SA confirms (paragraph 7.70) that Lidsing and Heathlands are two of the three reasonable options. Table 7.5 shows the more detailed assessment of the strategic policies for the sites with the policy requirements. The table is accompanied by significant commentary against the SA objectives [paras 7.75 to 7.167] explaining the potential effects



of various mitigations proposed in the policy and why they would be necessary for sustainable development at these locations. It is a very thorough analysis including in respect of the water environment, the respective impacts of both developments on the KDNL and localised landscape impacts at Heathlands. Appendix C of the 2021 SA provides the detailed appraisal. Section 10.5 of the 2021 SA explains the Council's reasoning for choosing the strategy and policies in the Plan. Under the section 'site selection' on p219 of the SA the Council provides comprehensive and cogent reasoning for selecting the Lidsing and Heathlands locations.

87. In addition to the SA, in terms of moving forward to a preferred plan a number of judgements were made by the Council. The first was the ability of new garden communities providing new infrastructure "at source", including through the capture of the uplift in land values. This is supported by the Stage 2 Stantec work and is reasonable. The second judgement was to de-risk housing delivery by identifying two garden communities (to combat the risk of one larger garden community development failing to deliver). Again, this approach is logical in determining an appropriate strategy and part of the reasonable local choices for plan-making.
88. In assessing which two of the three reasonable options for garden community developments should be allocated, these have been examined on a consistent basis through SA, applying reasonable judgements. Having regard to the SA, all of the options are reasonably close together when assessed against the SA objectives. No one option stands out as markedly better than another, they all have benefits and various impacts. Any combination would have formed "an appropriate strategy".
89. The SA objectives are not weighted and so there remains some degree of flexibility, in terms of balancing residual harms against positives. The SA recognises that Heathlands and Lidsing impact the KDNL. Even if Heathlands and Lidsing were ascribed a greater degree of harm against the landscape objective, that is only one dimension of sustainability and in my view would not radically alter the overall outcome. The fundamental sustainability advantages of Heathlands and Lidsing are their location relative to existing services and facilities and their capacity to take advantage of existing sustainable transport connections that are not predicated on long-distance commuting. Both locations are better related to main urban areas and would align with actively managing patterns of growth to promote sustainable transport and focusing significant development into locations which are or can be made sustainable, consistent with NPPF paragraph 73.
90. The basis of how the SA assessed Heathlands is not fully reflected in the Plan, in respect of railway station provision as part of the proposed development. MMs, discussed in Issue 2 below, would address this, and this is reflected in the SA Addendum [ED124]. The point remains, Heathlands is on a rail line that

connects to Maidstone (the main sub-regional centre) and both Lidsing and Heathlands can readily connect to existing bus routes. Both sites would not involve housing or employment development directly within the KDNL.

91. In respect of Heathlands there is dispute regarding its availability. The concept of development has been promoted by the Borough Council and is now being taken forward by Homes England. Large parts of the location were advanced through the call for sites. Various parts of the site are either existing mineral operations or are identified in the Kent Minerals Sites Plan to be worked out and restored during the Plan Review period. Based on the evidence<sup>22</sup> I am satisfied that development could be sequenced at Heathlands in a way which enables the phased delivery of homes without conflict with the phased workings of available mineral resources.
92. The issue of best and most versatile land has been considered, including through SA (Objective 9) as a key sustainability issue. Borough wide there are limited options to avoid the impact<sup>23</sup>. The Plan seeks to make the most of available urban and sustainably located previously developed land. Lidsing includes elements of better Grade 3a land and Heathlands includes both Grade 2 and 3a land. All reasonable garden settlement options score similarly negatively against the SA objective on soils. Whilst the NPPF at paragraph 174b) states that the benefits of best and most versatile land should be recognised that needs to be balanced against meeting the needs of the area in a way which would secure a sustainable pattern of development. Masterplanning at the garden settlement locations would represent the appropriate stage to consider whether the impact on soil quality could be mitigated as set out in the detailed considerations at Appendix C of the SA.
93. In conclusion on this part of the spatial strategy, the principle of new large-scale garden communities would be a sound component for a spatial strategy given the need to deliver a substantial number of new homes. It would provide a degree of long-term stability, for both investment and delivery so that infrastructure can be appropriately aligned to growth.

### Strategic Development Locations

94. Beneath new garden settlements, the Plan identified three strategic development locations. The Lenham Broad Location (LBL) and the Invicta Park Barracks site were previously allocated as strategic locations in the 2017 Local Plan. I deal with the policies for both locations in Issue 3 below. In terms of the

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<sup>22</sup> ED13 Heathlands Minerals Resource Assessment (further updated in ED42) & ED43

Correspondence from Brett Aggregates

<sup>23</sup> LPRSUB002a Paragraphs 4.75 and 6.78 – Submission SA Report

spatial strategy, the LBL is now encompassed within the made Lenham Neighbourhood Plan and no modifications are required to the spatial strategy.

95. In terms of the Invicta Park Barracks site to the north of Maidstone town centre, this has been subject to significant technical work in the intervening period since the 2017 Local Plan. This evidence demonstrates that the principle of residential-led redevelopment for some 1,300 homes at Invicta Park Barracks is sound. There is not a reasonable alternative spatial strategy option where the site could sustainably accommodate a strikingly higher capacity thus negating the need to release land for garden settlements.
96. The Plan identifies the Leeds-Langley corridor location in the spatial strategy as a strategic development location to deliver a relief road connecting the A274 to Junction 8 of the M20 to the east and south-east of Maidstone. Technical evidence estimates approximately 4,000 homes would be required to enable the road to be delivered in the absence of any other sources of funding. The submitted housing trajectory makes no allowance for any delivery within the plan period at Leeds Langley. Overall, I find there is insufficient evidence to demonstrate that sustainable development could take place at Leeds-Langley within the Plan period. This includes consideration of its environmental context and its wider connectivity given it is largely separated from the Maidstone Urban Area by intervening countryside. Whilst there has been some progress in coordinating various land ownerships, including an updated position statement<sup>24</sup>, there remains considerable uncertainty with regards to the proposed 'safeguarding' approach at Leeds-Langley to fund delivery of what is estimated to be a £57million local relief road. As such it would not be justified to identify a Leeds-Langley Corridor as a strategic development location which in effect would amount to a reserve strategic growth location for up to a further 4,000 new homes.
97. As such the inclusion of Leeds-Langley corridor as a strategic development location in the spatial strategy is neither justified nor effective. Accordingly, I recommend the related part of **MM7** which would remove Leeds-Langley from within Policy LPRSS1.

## Rural Settlements

98. I deal with the individual rural service centres under Issue 6 below. The spatial strategy positively identifies rural service centres as locations of "secondary focus" for housing development during the Plan period. Further significant growth distributed around the edge of these settlements would, however, be unlikely to deliver strategic infrastructure solutions and may well compound unsustainable travel patterns to access higher order services and employment. Overall, rural service centres, larger villages and other settlements are

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<sup>24</sup> Document ED52

appropriately identified at the lower tiers of the spatial strategy for commensurate levels of development. It would not be necessary for plan soundness to elevate any of the rural service centres, including Staplehurst, to somewhere higher in the overall settlement hierarchy.

### General approach to transport modelling in support of the Spatial Strategy

99. The submitted plan has been underpinned by transport modelling (including air quality)<sup>25</sup> which has looked at the baseline situation, the impact of proposed growth to 2037 without mitigations and then with mitigations. Identified mitigations, including from further assessment work, has fed into the iterative Infrastructure Delivery Plan (IDP) process. From the signed SoCGs, National Highways have had the opportunity to review and approve the methodology and to review the outputs of the Maidstone modelling work. Further modelling work [LPR5.2] has extended the outputs to 2050 to reflect the two garden community proposals. Reference has been made to the proximity and potential impact of the Lower Thames Crossing including in relation to cumulative air quality impacts for protected habitats. This project remains to be examined and so I consider the work undertaken in terms of high-level sensitivity testing is a proportionate one for this Plan<sup>26</sup>.
100. The modelling is taken from the Kent countywide VISUM Model and develops an appropriately detailed local model for the Maidstone Urban Area to create a Maidstone Transport Local Model. The modelling validation clearly reflects the developments identified in the submitted plan, including the two garden community proposals. Key assumptions for the garden communities are reasonable in terms of a 10% reduction in car trips at Lidsing and Heathlands due to modal shift and internalisation. The latter is generally applied at 5% which would seem reasonable with the increase in home working. Further transport assessment work may adopt more ambitious modal share subject to the sustainable transport strategies for the strategic locations. As such I consider the modelling work for the Plan to be reasonably precautionary.
101. In addition to the Borough wide modelling undertaken by Jacobs, further work has been undertaken in relation to Heathlands, Lidsing<sup>27</sup> and Invicta Park Barracks in terms of specific junctions on the local road network, further modelling of M20 Junctions 7 and 8 and M2 Junctions 3 and 4 and consideration of sustainable transport strategies for both Heathlands and Lidsing. In its totality, the evidence sufficiently demonstrates that for the purpose of plan making, appropriate opportunities to promote sustainable transport have been made, safe and suitable access can be achieved for all

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<sup>25</sup> Jacobs commissioned by Maidstone Borough Council and KCC

<sup>26</sup> ED83 – Impact of Lower Thames Crossing. Also considered in ED53 Transport Assessment for Lidsing

<sup>27</sup> Including by reference to Medway's AIMSUN strategic model

users and any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree.

102. The transport work in support of the Plan has broadly satisfied National Highways<sup>28</sup>. Notwithstanding their concerns with potential mitigation for the Plan's proposals in relation to M2 Junction 3, KCC have assisted plan-making in the plan-wide modelling work and they have positively engaged in the necessary updates to the transport work in relation to Heathlands, Lidsing and Invicta Park Barracks. Where necessary I have amended the detailed wording of the MMs in light of KCC Highways' constructive comments. There will need to be additional work as the Plan's proposals progress, but the transport modelling and assessment done to date has been proportionate to plan-making. It provides an appropriate foundational basis for detailed work through SPDs, masterplanning and transport assessments for the strategic growth locations identified in the spatial strategy.
103. The Integrated Transport Strategy (ITS) has been further updated, including during the examination, to include a new 'Action GC1' for the Garden Communities in terms of setting out the broad requirements for implementing an integrated, cohesive approach to the provision of transport solutions to deliver new garden communities. The ITS dovetails with the IDP, including identified off-site highway capacity improvements. In respect of plan-making, a necessary but proportionate amount of work has been undertaken.
104. Importantly, the approach to transport planning, and proposed to be embedded in the Plan through various MMs, reflects Department for Transport (DfT) Circular 01/22 and the move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (vision-led approaches including 'vision and validate,' 'decide and provide' or 'monitor and manage').

## Key Diagram

105. As required by NPPF paragraph 23 the Plan contains a key diagram showing broad locations for development. The submitted key diagram has legacy issues from the 2017 Local Plan and so is not accurate or up to date in showing the strategic locations for housing. As set out elsewhere in this report, I am recommending the removal of the Leeds-Langley corridor as an area for route safeguarding and potential strategic development. The key diagram would need to be updated accordingly. **MM9** would make the necessary changes to

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<sup>28</sup> Including ED106 Updated SoCG May 2023

address these issues and I recommend it so that the Plan is justified and effective.

### **Conclusion on Issue 1**

106. Subject to the MMs identified above the Spatial Strategy would be justified and an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

## **Issue 2 – Whether the strategic policies for the Garden Settlements are sound?**

### Lenham Heathlands (Submitted Policy LPRSP4(a))

107. Policy LPRSP4(a) is a detailed strategic policy comprising a comprehensive set of requirements for the site. It sets out that there would be subsequent SPD and masterplanning processes. This would be in accordance with the garden community principles, and prior to any initial planning application.
108. Development of the site will not be straightforward. There are issues of water quality, the sequencing of minerals operations on various parts of the site and impact on the setting of the nearby KDNL together with the host landscape character within which the site is situated. There is, however, sufficient evidence, proportionate to plan-making, to demonstrate that water quality issues can be mitigated to avoid harm to downstream protected habitats within the Stour catchment. The evidence on the timing and cessation of minerals operations is compatible with the phasing of the development and likely build-out rates. To clarify matters in this regard I recommend, for effectiveness, that additional text be added to the Heathlands policy to reflect that phasing of the development should not inhibit the ability to extract minerals (sand and gravel) from the sites allocated in the Minerals Plan<sup>29</sup>.
109. The development will in its early stages result in notable landscape and visual harm, including views out from and towards the Downs scarp slope, a short distance to the north. Initial phases of the development would be conspicuous from within the KDNL in expansive, panoramic views over the gently undulating Weald below, including from short sections of the North Downs Way National Trail around and close to the Lenham Cross. The KDNL is a designated area which the NPPF at paragraph 176 confirms has the highest status of protection in relation to landscape and scenic beauty. The final part of paragraph 176 states that development within the setting of KDNL should be sensitively located and designed to avoid or minimise adverse impacts.

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<sup>29</sup> ED65 Statement of Common Ground with KCC

110. Having regard to the SoCGs with the Kent Downs National Landscape Unit and having visited the various suggested viewpoints, I find the submitted policy would not be sound in providing a sufficiently robust and effective framework for mitigating the harm to the setting of the KDNL and the local host landscape more generally, including the sensitive East Lenham Vale and Chilston Parkland landscape character types. MMs are therefore needed to significantly strengthen the requirements in the policy to comprehensively landscape the development, especially along its sensitive northern edge.
111. In the medium to long term, strategic peripheral landscaping and comprehensively planned green infrastructure within the development would be effective in assimilating the development within the landscape. Settlement has historically formed along the foot of the escarpment, including nearby at Lenham and Charing and slightly further afield at Maidstone, Harrietsham and Ashford. The Heathlands proposal would fit into this settlement pattern and like many of these other settlements, intervening vegetation can play a significant role in screening development in the middle ground, whilst still enabling unfettered appreciation of the extensive long-range views over the Low Weald. Whilst highway access from the A20 would remain conspicuous from the KDNL, it would be experienced in the context that the main A20 road already forms a noticeable visual and audible feature in the middle ground perspective between the escarpment and the Heathlands location. In my assessment, any new highway spur from the A20 into the Heathlands development would not materially change the views, experience or tranquillity in this part of the KDNL.
112. The existing Lenham WWTW, which discharges into the Stour Catchment, is situated within the Lenham Heathlands location. The submitted Plan has been assessed, including through the HRA, on the precautionary basis that nutrient neutrality would be achieved through a combination of Natural England's latest land budget formula regarding removal of farmland inputs and a new private waste water treatment works. Significant wetland habitat areas would also be required to filter treated and surface water flows before entering into the Stour. A significant amount of technical work has been undertaken, and I am satisfied that this demonstrates, at a level proportionate to plan making, that the proposed solutions are feasible and would be effective. Constructing a new private WWTW will be a significant cost, but it is becoming an increasingly common approach to overcoming existing capacity constraints.
113. As set out above, the HRA process has concluded that with mitigation in place, the Heathlands development would not result in an adverse effect on site integrity at Stodmarsh. Policy LPRSP14(A) sets out the strategic approach at submitted criterion (v). In terms of phasing of water infrastructure at Heathlands, it would be necessary to identify new or improved waste water treatment mechanisms being delivered in phase 1. Additionally, phased "nutrient neutrality mitigations" (which would cover wetlands, infrastructure and other measures) also need to be included throughout the development period. Again,

the subsequent SPD and masterplanning processes will develop further the detail of how the Heathlands development could be delivered, including scale and location of wetlands and precise trigger points for WWTW infrastructure.

114. There are concerns regarding water quality more generally in the River Great Stour as a consequence of the proposed development, particularly for local fishery businesses. The AA as part of the HRA process has demonstrated at a strategic level that with mitigation, water discharges from Lenham Heathlands into the Stour catchment would not exacerbate nitrogen or phosphate levels. There is also credence to the benefit that enhanced treatment, working to a higher permitting standard, could deliver wider environmental gains for water quality, including assisting with water flows during extended dry periods.
115. Proposed wetland habitats will be an intrinsic part of the allocation and they would be fed by water discharged and treated to a necessarily high standard from water treatment plant. The wetlands would not be supplied from water abstracted from the Stour. The geology at the site of the proposed wetlands is mixed including areas of permeable sand. Given the sensitivity of the Stour water environment and the proximity of the protected aquifer, wetland solutions at Lenham Heathlands may well need to be intricate, including elements of lining and very careful positioning as part of the masterplanning process. A significant amount of work at the plan-making stage has been undertaken to demonstrate the general feasibility of wetlands. Having regard to this, some additional specificity to part 5(d) in Policy LPRSP4(a) would be necessary for soundness to recognise that elements of the proposed wetlands are likely to require specific design and implementation in relation to ground conditions to ensure that adjacent watercourses are appropriately protected. In combination, both Policy LPRSP4(a) as proposed to be modified and Policy LPRSP14(A) (part 2 and part 6 (especially criterion v)) would provide an effective policy framework to protect the quality of local watercourses.
116. Whilst the River Great Stour at this location is not a SSSI, it is a rare chalk stream habitat and there is need to protect against potential indirect impacts. Section 7 of the policy would require the southern part of the site adjacent to the Stour to be a new country park. As submitted the policy stated that this should include wetlands. In light of the latest technical evidence, this part of the site is not required to provide wetlands and so part 7a) of the submitted policy should be modified to disconnect this association. Additionally, part 7h) of the policy requires enhancing and creating new ecological corridors in the site, including along or parallel to the River Great Stour. Given these policy requirements, together with the position of the M20 and the HS1 rail line, the development of Heathlands can be planned in a way which avoids new development close to the Stour.
117. Proposals at Lenham Heathlands would also be subject to the requirements of submitted Policy LPRSP14(A) (as per the MMs) which would require



development to protect against pollution in respect of both ground and surface water and to incorporate measures to improve the ecological status of water bodies. This would be in accordance with NPPF paragraph 174e and 179b. It is not necessary to repeat these requirements in the policy for Heathlands.

118. One of the key tenets of garden communities is creating a level of self-containment, including in relation to employment opportunities. The Plan as submitted allocates 14 hectares (ha) of land for employment uses and seeks to provide as close as possible to 5,000 new jobs. I accept 5,000 jobs in a location which is largely untested by the market would be challenging but there is a reasonable prospect that significant jobs could be created<sup>30</sup>. The latest evidence points to this being predominantly in the light industrial sector and some specialist sectors (food production and life sciences). Additionally, Heathlands at 5,000 homes is also justifiably required to provide a new district centre adjacent to the railway station providing a significant knowledge-based employment offer. There would also be employment in new primary schools and a new secondary school.
119. In terms of the 14ha of employment land identified this would need to be phased, with some early delivery (c.7ha) in phase 1 of the development. The new district centre will take time to deliver such that it may not be completed until phase 2 (to 2045). I do not see this phasing as inimical to the vision and objective of good levels of self-containment.
120. In terms of employment calculations provided by the Council and Homes England, I am largely discounting the 1,330-2,730 potential jobs assigned to home working<sup>31</sup>. These would be jobs largely 'based' elsewhere rather than specifically created at Heathlands. That said from a perspective of self-containment, home working has become widespread in some sectors post Covid-19 with beneficial implications for travel demands at peak periods. Additionally, a notable daytime resident workforce of homeworkers and self-employed would notably support services and facilities in Heathlands.
121. Taking the estimates for fixed on-site employment, at least 3,500 new jobs would be reasonable for Heathlands. I see no necessity for a modification and that an aim or objective to deliver more jobs and as close to 5,000 jobs remains justified. I also consider it important that the concept of garden communities also refers to a range of jobs within easy commuting distance, which is echoed at NPPF paragraph 73b). The Heathlands location is reasonably close to significant employment in Maidstone and Ashford, some of which would be accessible by rail and bus.

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<sup>30</sup> Set out in ED47A

<sup>31</sup> As set out in the September 2021 SQW report [LPR1.90] and revisited in the October 2022 BE Report [ED47A]

122. In planning for larger scale developments, the NPPF states that they should be of a size and location to support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment) or in larger towns to which there is good access. As submitted, the strategic policy for Heathlands would not be sound in this regard and not in accordance with the basis on which the allocation was assessed in SA. Accordingly, MMs would be necessary to ensure that infrastructure is delivered and coordinated in a timely manner. I recommend the proposed insertion of a table within the policy setting out the phasing and related indicative infrastructure requirements. This would align with the evidence in the IDP, as tested through the high-level viability appraisal work.
123. In terms of securing genuine transport choices, a significant advantage of the Heathlands location compared to other spatial choices for large scale development is its location on the Ashford to Maidstone railway line and the potential for a new station to serve the allocation. SA was undertaken on this basis. Accordingly, it will be necessary to modify the policy to confirm a railway station is to be delivered. Additionally, the phasing table will need to identify the early delivery of a railway station at Heathlands in phase 1 at a location that will form a hub within the allocation. Initial work<sup>32</sup> demonstrates at a high-level that a station is potentially feasible from locational, operational and timetabling perspectives. Network Rail have supported, without prejudice, the submission of a strategic outline business case (SOBC)<sup>33</sup>. For the purpose of a strategic policy and demonstration of a reasonable prospect that an additional station at Lenham Heathlands is a realistic option, I consider the evidential threshold has been met and that a SOBC is not necessary at this stage for plan soundness.
124. Notwithstanding, transport options available, the reality is, however, that the car will remain a key transport choice at Heathlands. In this regard a level of assessment of the Heathlands proposal has been undertaken proportionate to plan-making including a Transport Impact Assessment<sup>34</sup>. The evidence shows that, even when allowing for cautious levels of modal shift and self-containment, there would be a need for off-site highway interventions on the A20 and at Junction 8 of the M20. The general scope of these interventions is identified and has been fed into the updates of the IDP and ITS. On a precautionary basis I am satisfied that viability assessment demonstrates a sufficient affordability envelope to contribute to off-site highway interventions identified by the existing evidence, where required.
125. The evidence demonstrates a reasonable prospect of a deliverable solution to junction improvements at M20 Junction 8, which has been assessed and positively considered by National Highways. It would involve relatively modest

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<sup>32</sup> ED14 – Outline Assessment of Case for a Station at Heathlands – JRC May 2021

<sup>33</sup> LPR1.95 – Network Rail letter of 30 June 2021

<sup>34</sup> ED89 Heathlands Transport Impact Assessment – April 2023

capacity improvements within existing highway. It is sufficient at this stage of plan-making to demonstrate a reasonable prospect that impacts on Junction 8 can be appropriately mitigated. As submitted the policy is very broad in relation to potential impacts on the M20 and ineffective. As such I recommend additional detailed content requiring further assessment, for both junctions 8 and 9, as part of any subsequent SPD process and detailed Transport Assessment and for National Highways and KCC to be co-operatively engaged in this work.

126. Additionally, a high-level menu of works along the A20 corridor has been identified as being necessary at this stage to facilitate the development. The detail of this is set out in the IDP and does not need to be replicated in the Policy as it may be subject to change. Various proposed amendments to parts 6e) and 6f) of Policy LPRSP4(a), would be necessary to provide sufficient policy hooks to ensure that any impacts on the strategic and local road networks are appropriately considered and where necessary mitigated. Future iterations of the IDP and the ITS, together with the masterplanning and SPD processes, provide ongoing mechanisms to revisit the headline highways interventions necessary for a strategic project that is going to take several decades to fully implement.
127. In light of representations on the MMs I have amended the indicative infrastructure and phasing table to reassign the second principal highways access from phase 2 to phase 1. The precise point at which this would be necessary would be subject to further work. In coming to this view, I agree with KCC Highways that the site should not rely on a single point of access to the A20 for a considerable quantum of development and that a second point of access would enable enhanced bus circulation, particularly diversion of existing routes. This is something which should be secured earlier rather than later to establish sustainable travel behaviours in the new community. Accordingly, I recommend an amendment to the MM.
128. The Transport Impact Assessment [ED89] recognises there would be some distribution of traffic south of the site and mitigation may be required. Those are details that can be addressed through further transport work alongside the SPD and masterplan. I recommend as part of the MMs additional policy content to specify that the SPD will include a detailed Transport Assessment, which amongst other things will look further at the impact on all surrounding road corridors having regard to a number of factors (my emphasis). As Policy LPRSP13 states, the site specific infrastructure in the site allocation policies are not exhaustive lists and further requirements, stemming from more detailed work, may be required.
129. Having regard to the NPPF, I am satisfied that infrastructure deficits in so far that they exist in relation to Heathlands have been appropriately identified at a level proportionate to what is a strategic, long-term development. Various

deficiencies have been identified and Policy LPRSP4(a), subject to the recommended MMs, would set out in sufficient terms how those deficiencies will be addressed. PPG paragraph 61-059-20190315 refers to longer term growth through new settlements and recognises that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.

130. In terms of 'reasonable prospect', PPG paragraph 61-060-20190315 refers to making realistic assessments around site delivery and engaging with infrastructure providers in terms of awareness of what is being planned and what can reasonably be considered achievable within planned timescales. Fundamentally, for this Plan, the final part of PPG paragraph 61-060 states that developments that extend outside of a single plan period (as is the case with Heathlands, and also Lidsing) that subsequent plans and plan reviews are an opportunity to provide greater certainty about the delivery of the agreed strategy. With this in mind, and whilst I understand local communities want to see greater detail and certainty as part of this Plan, I consider an appreciable degree of latitude needs to be extended to the infrastructure and viability evidence currently available. As the final sentence of PPG Paragraph 61-060 states, if it becomes evident that delivery at Heathlands is adversely affected by issues that are unlikely to be resolved, then that would be a matter for plan review.
131. Delivery at Lenham Heathlands will in large part be a consequence of Homes England's involvement as master-developer and their commitment to bring the scheme to fruition, including their ability to take a longer-term perspective on investment and returns. The housing trajectory assumes initial units being completed at Lenham Heathlands in 2029/2030. Allowing for an SPD, masterplan and initial planning application that would be optimistic given that Plan adoption has moved back since the Heathlands Project Delivery Plan was prepared. Consequently, I recommend that first completions are moved back to 2031. Given the housing need and the ability for Lenham Heathlands to comprehensively secure a variety of well-designed homes to meet the needs of different groups in the community I am satisfied that the site can reasonably and consistently yield 160-240 homes per annum, possibly slightly more, including in combination with development at the nearby Lenham Broad Location.
132. From the initial inception of this project through to the Plan Examination, it appears that Homes England have made good progress in securing necessary land agreements. I am not unduly concerned that there remain ongoing land negotiations, with the likelihood that some landowners will be awaiting the outcome of this examination process. There remains a lengthy period for implementing Heathlands and a phased approach to delivery. All of which would allow time to coordinate remaining land assembly. Again, I refer to PPG

paragraph 61-060 such that if there were unresolved delivery issues, including land ownerships, that would be a matter for a plan review.

133. I acknowledge that the viability of Heathlands is marginal. The Plan has been accompanied by proportionate viability assessment of the strategic sites which was further updated to reflect sales values as of May 2023, build costs as of May 2023<sup>35</sup> and updated infrastructure costs. The latest viability work identifies that build costs have increased approximately 30% since 2021.
134. At a high level Heathlands has been valued as a £1.8billion development. In headline terms, the latest viability work demonstrates that the scheme would be viable based on 40% affordable housing and approximately £100million for infrastructure. The viability appraisal update has taken a reasonably detailed approach in Appendix 2 in setting out infrastructure and construction costs which are taken from engagement with the site promoters and IDP costs. Not all costs are yet established and there are inevitably debates around how specific inputs have been calculated but it needs to be borne in mind that this is a strategic long-term development. As such that it is not necessary for the soundness of this Plan to overly-focus on specific costs and timings in 2024 on a scheme which is going to take many years to come to full fruition. The viability work is appropriately detailed for a strategic policy.
135. It is suggested that infrastructure costs do not appropriately reflect increases for inflation and that a higher contingency (circa 40%) should be factored in to provide more certainty that the scheme would remain viable. The viability surplus is modest and as the viability update acknowledges, any moderate movement of 5% increase in costs or decrease in sales values would present a viability risk. The viability assessment, however, takes a cautious approach to construction costs with a likelihood that economies of scale would add to viability. Receipts from employment development and further work at the detailed masterplanning stage could add further to the viability. The overall viability of Heathlands is slender and that is a matter that needs to be closely followed. The significant and direct involvement of Homes England should not be underestimated in terms of their ability to assist delivery, over the long-term, in contrast to standard development cashflow models. The viability of Heathlands does not assume any external funding or assistance.
136. In drawing all of the above together, the detail of the submitted Lenham Heathlands Policy LPRSP4(a) would not be sound. Accordingly, modifications are required to the strategic policy for soundness.
137. Part 1) of the policy needs to adjust earliest housing delivery to 2031 and to make clear that infrastructure identified in the policy will be delivered in

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<sup>35</sup> BCIS (Building Cost Information Service) – Median Average values, calibrated to Maidstone Borough

accordance with the phasing table contained with the policy. This would ensure the policy would be justified and effective.

138. A phasing table needs to be inserted within the policy which would identify the key infrastructure inter-dependencies necessary to support a phased approach to achieving sustainable housing delivery. Given the long-term nature of the project, the infrastructure is necessarily 'indicative' but the table includes what is required at a preliminary stage prior to any development being completed and that what will be required over 5 phases to 2054. All of this is necessary within the policy to ensure that the Plan would be effective and consistent with national planning policy regarding national landscapes (NPPF paragraphs 174 and 176), delivering sustainable larger scale development (NPPF paragraph 73b), c) & d)), managing sustainable patterns of growth (NPPF paragraph 105), facilitating modal shift (NPPF paragraph 106) and avoiding severe residual cumulative impacts on the road network (NPPF paragraph 111).
139. MMs to identify preparatory work on a new railway station in the preliminary stage of the development and the delivery of a railway station within phase 1 are necessary to ensure the policy fully aligns with the SA assessment and to embed the ambition of modal shift early within the development programme, with the attendant benefit of potentially reducing the degree of off-site highway interventions that may be required. This is necessary for plan effectiveness and consistency with national planning policy (NPPF paragraphs 73 and 106).
140. Specific requirements in relation to wastewater treatment infrastructure need to be inserted into the policy. I have removed the word 'new' in Section 5 part (d) of the policy to clarify that the future masterplanning of Heathlands must have regard to the existing treatment works at Lenham.
141. Additional policy content is required to recognise that phasing of development will align to extraction and completion of the mineral sites allocations identified in the Kent Minerals and Waste Local Plan. This would be necessary for effectiveness.
142. The policy needs to be modified to clarify that the target is 40% affordable housing, in line with the evidence of need and viability for greenfield development in high value zone. This would be necessary for effectiveness and to ensure the policy is positively prepared in meeting identified housing needs.
143. A substantive re-writing of part 3 of the Policy on landscape and design is required to ensure the policy would be effective in mitigating the impact on the setting of the KDNL and assimilating a strategic development within a rural and verdant setting. This would also be necessary for consistency with national planning policy at NPPF paragraphs 174 and 176.

144. Amendments are needed to part 5 of the policy on 'infrastructure' to update the extent of primary school provision required, to provide specificity on the secondary school provision required, to provide further clarity on the form and location of future new waste water treatment works, and to confirm that a new medical centre should be provided. Following the consultation on the MMs I have amended the secondary school requirement to 6FE in light of the comments from KCC. These changes would make the policy effective and justified.
145. Significant additional text is required to part 6 of the Policy including a requirement to submit a 'Monitor and Manage Strategy' for transport infrastructure in line with the 'vision and validate' approach in DfT Circular 01/22 and to be agreed in consultation with National Highways and KCC. I have slightly amended the wording of this part of the MM to clarify that the implementation of the 'Monitor and Manage Strategy' will be agreed by the Local Planning Authority in consultation with National Highways and KCC Highways, to ensure further effectiveness. I have also amended the requirement for bus integration in phase 1 to be timed in accordance with the IDP and the 'Monitor and Manage' strategy to ensure effectiveness. The policy also needs a clearer requirement to assess and mitigate any impacts on the M20 including a scheme for Junction 8 in line with the 'Monitor and Manage' approach. Additionally, clarification is needed that highway mitigations would be established through the forthcoming SPD and a Transport Assessment in line with the 'Monitor and Manage' approach, as set out in the IDP. These modifications would be necessary so that the plan is justified, effective and consistent with national planning policy at NPPF paragraphs 104, 105, 106, 110 and 111.
146. Various modifications to the environmental requirements in the Policy at Section 7 are required. These include, amongst other things, a necessary clarification that a new country park would be created around the River Stour corridor in the south of the site, the requirement to undertake a heritage impact assessment, and clarification that the allocation requires the enhancement of existing and creation of new ecological corridors along or parallel to the River Stour. These modifications would be necessary for plan effectiveness.
147. All of the above proposed modifications to Policy LPRSP4(a) are comprehensively set out in **MM15**, which I recommend for the various reasons given above.
148. In addition to the significant changes to the strategic policy for Heathlands, there will also need to be some amendments to related paragraphs of the submitted Plan. I recommend modifications in **MM13** to paragraph 6.71 for internal consistency and effectiveness in relation to the provision of a railway station and a recognition that large parts of Heathlands will be implemented beyond the end of the plan period and as such impacts and infrastructure requirements will need

to be revisited and very likely updated as part of a Plan review. I am also recommending **MM14** which would insert a new paragraph into the Plan providing guidance on the Landscape and Visual Impact Assessment required by modified part 3 of the Heathlands policy. This modification would also be necessary for plan effectiveness.

#### Lidsing (Submitted Policy LPRSP4(b))

149. The Lidsing proposal would to a significant degree function and be regarded as part of the wider Medway urban conurbation. This would be reinforced by its general containment by the M2 motorway along the southern boundary of the site, which would form a notable physical barrier to the wider countryside and the rural settlement of Bredhurst. Nonetheless, it is justified that plan preparation has considered that the site is a location that could deliver garden community principles and a degree of self-containment given its overall scale at 2,000 homes and 14ha of employment land. The location and general approach to Lidsing is consistent with NPPF paragraph 73(b) and (c).

150. In terms of creating a sustainable community, with sufficient access to services and employment opportunities within the development itself, the submitted plan sets out a clear vision for Lidsing by 2057. This includes establishing an exemplar urban extension with a distinctive local character, to create a new place with its own identity. The submitted vision confirms it would be a landscape-led settlement, designed and constructed with climate change resilience at the forefront. Development would also be subject to a masterplanning process to ensure open space connectivity through the site from the Capstone Valley to the edge of the KDNL.

151. The site is required to provide 14ha of new employment land, which has been broadly profiled to comprise 50% storage/warehouse use, 35% light industrial and 15% office. Given the site would be directly connected to the M2 strategic road network this would be a justified approach. As such the objective of the policy to generate circa 2,000 new jobs, and possibly more, is realistic, with a reasonable prospect that a proportion of the new residents in the development would be able to access employment without the need to travel extensive distances. The proposed employment provision is central to delivering along the garden community principles. The proposed employment provision has fed appropriately into the transport modelling work for this stage of plan making.

152. In terms of wider on-site services and infrastructure to underpin the new community the policy requires a new local centre for retail, leisure and service uses. It also requires a new primary school. This is consistent with the evidence in the IDP. The proposal would also be required to contribute towards secondary school capacity in the area. Additionally, given the scale of



development, it should be made clear that the proposed new local centre would be the location for a new medical centre and a MM is necessary to identify this.

153. The development is envisaged to take 30 years and so the policy sets out a sound approach to governance arrangements over the long term. In addition to the initial masterplanning and SPD work, the project will need durable governance to ensure infrastructure is delivered in a timely manner over time. This also links to ongoing IDP and ITS processes, which will review and amend infrastructure requirements going forward. The significant evidence base for Lidsing provides a solid foundation of known infrastructure requirements, the ultimate cost and timings of which will change over the lifetime of this strategic project. Accordingly, and consistent with the approach described above for Heathlands, it would not be practical or necessary for soundness for a strategic policy to set out extensive detail on infrastructure planning for a 30 year project. Nonetheless, as submitted, the policy lacks sufficient content on overarching phasing and related infrastructure dependencies, some of which has now become clearer as further technical evidence has been prepared. As such a MM is necessary to add additional content on phasing and delivery in the policy.
154. In terms of creating a sustainable community, the Lidsing proposal would benefit from close proximity to existing services and facilities within the adjacent areas of Medway. This includes local services and employment in Lordswood to the west. The site is also adjacent to the Hempstead Valley Shopping Centre to the east. These would be within walking distance of large parts of the Lidsing site and cycling distance from within the whole site. Moreover, Hempstead Valley Shopping Centre benefits from a regular bus service connecting into the wider Medway Towns. Similarly, there are existing bus services circulating through Lordswood and along Wigmore Road. Accordingly, opportunities exist to extend bus services into and through the Lidsing development, including through to Maidstone. This would not only serve the new community but has the potential public benefit to significantly enhance public transport connectivity for existing communities.
155. In creating a sustainable community at Lidsing, it is inevitable that the residents would look to services and facilities in Medway. The IDP<sup>36</sup> and ITS underpinning the Plan reflect this, including revisions during the examination process. As submitted the policy for Lidsing recognises this, including in respect of secondary education capacity and transport connections.
156. The vast majority of the Lidsing site is urban fringe arable farmland. It is a relatively open landscape at a point where the southern end of the Capstone

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<sup>36</sup> See IDP Infrastructure Delivery Schedule (pages 43-46) and projects HTY15, HTY17-19 inclusive, Projects HTY20 and the specifics at HTY20A-G (including schemes in Medway), EDLPR5, EDLPR6 (c.£4.7million for secondary education in Medway), HPLR3, HPLPR4 (c.£2.5million for Medway Maritime Hospital), SCLPR2, SCRLPR3 (libraries in Medway), SCLPR5, PSLPR5 and GBLPR1 (c.£6.5million to Medway for open space and formal sport provision).

Valley gently plateaus before moderately rising as part of the lower dip slope to the Kent North Downs. This dip slope becomes a more pronounced landscape feature to the south of the M2 and Bredhurst. Large parts of the site have a relatively weak landscape framework, including the large open arable field within the KDNL part of the allocation. Mature trees are generally located towards the peripheries of the site. In large parts of the site, the rural character is extensively eroded by significant volumes of local traffic, the proximity of existing urban settlement and the M2 motorway. Other than the land required to facilitate highway access the site is outside of the KDNL. Overall, the landscape harm outside of the KDNL would be limited and localised.

157. As part of the MMs consulted on it was recommended to delete a specific reference to the provision of 31ha of natural/semi natural open space as part of the open space requirements for the site. On reflection, I am reinstating the figure, given the clear vision<sup>37</sup> for Lidsing as an exemplar garden development. I accept the figures are necessarily indicative given it is a strategic policy for a long-term development. Consequently, I am recommending some additional text to part 5d) of the policy to reflect this, and this would be necessary for effectiveness. On the large 20ha open arable field within the KDNL, required for highways access, the remaining balance of land (19ha) is proposed for habitat creation. Further environmental assessment work as part of masterplanning and planning application(s) will determine local mitigation where required in accordance with other policies of the Plan.
158. There are various protected habitats within the vicinity of the site, including the North Downs Woodland SAC to the south and the Medway Estuary and Marshes SPA and Ramsar site to the north. Accordingly, the allocation policy has been assessed as part of the HRA. I deal with the Woodlands SAC below because it is integrally linked to transport. In terms of the Medway Estuary and Marshes SPA and Ramsar, future occupants of the proposed dwellings are likely to add to recreational pressure on this habitat and as such, without mitigation, the integrity of the site would be adversely impacted. The submitted policy requires the Lidsing proposal to make a financial contribution to an existing mitigation scheme and on this basis the HRA has been able to conclude positively that there would be no adverse impact on this habitat.
159. In terms of the historic environment there are various heritage assets on the site and in its vicinity. There would be the issue of additional traffic generated by the Lidsing proposal passing through the Boxley Village Conservation Area. Having regard to the SA<sup>38</sup> any harm to the significance of heritage assets from the principle of allocating the site in the Plan would be less than substantial and outweighed by the public benefit of delivering much needed new homes in a

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<sup>37</sup> LPR1.97 (page 83) refers to the 31ha figure

<sup>38</sup> Submission SA report LPRSUB002a paragraphs 7.156-7.157

sustainable location. Additional policy content is required to reflect the presence of heritage assets.

160. The potential highways implications arising from the Lidsing proposal have been a significant issue. This is in relation to impacts on the wider strategic road network (the M2), connectivity into Medway and localised impacts for rural communities between Medway and Maidstone (Boxley and Bredhurst). The submitted plan was accompanied by strategic transport modelling. A significant volume of additional transport assessment work for Lidsing has been provided.
161. The Lidsing development would be principally accessed from the M2 strategic road network. The proposed approach would require an improved connection to the adjacent M2 Junction 4, immediately to the east of the proposed allocation. Various constraints mean the proposed allocation cannot connect to the existing Junction 4 via Hoath Way. The identified solution would be to create a new fourth arm at the junction. This would require replacing the existing Maidstone Road overbridge with a new realigned bridge and a new arc of approach road to the south of the existing junction. This new approach road, including embanking and lighting, would be within the KDNL.
162. I address the KDNL issue below and deal here with the acceptability of what is proposed at M2 Junction 4. Initial assessment work has appropriately considered various options to connect to the M2, including a “do nothing” scenario and a free-flow three arm junction at Junction 4. Neither of these options are reasonable given constraints elsewhere in the local road network within Medway. In terms of alternative means to access the M2 consideration has been given to the Plan's proposed new arm to existing Junction 4 and a new junction altogether. There are cogent reasons, including securing a new east-west link through the site, that support the identification of connecting into Junction 4 as the approach to be preferred.
163. The technical work shows the connection into Junction 4 to be feasible. It would reconfigure the existing Maidstone Road connection between Bredhurst and Hempstead and involve a replacement overbridge. In principle, National Highways do not object to the proposed approach at Junction 4, although it will clearly require further work. In addition to the new junction arm, associated measures to improve capacity at the junction, through the options of lane markings and part signalisation have been identified (set out in ED53c). Overall, the requirement of the policy for a new connection to the M2 at Junction 4 is justified. MMs, however, would be necessary for effectiveness to indicatively identify when it would be required.
164. In addition, National Highways have also sought confirmation that identified impacts on Junction 3 of the M2 are also considered at this strategic level of plan making. Whilst modelling had identified impacts on the M2 Junction 3

arising from growth in the Plan, the issue by the time of the MMs consultation had been picked up in the IDP (Project HTLPRJ3) and as part of a specific modification for the Lidsing policy in terms of further assessment of off-site highway mitigations. This is in addition to the IDP separately identifying the A229 corridor (Blue Bell Hill) between the M20 (Junction 6) and M2 (Junction 3) in respect of Borough-wide growth (Project HTLPRJ4). In relation to this latter project, KCC are advancing a major scheme for improvements to the A229 Blue Bell Hill corridor including at M2 Junction 3.

165. I recognise the Council's latest evidence [ED135] creates some potential tension between identifying a specific local scheme for the Plan's growth as opposed to the approach of a strategic solution to Junction 3 and the A229 corridor now being advanced by KCC. However, the evidence now being presented seeks to reassure National Highways that Plan growth can be mitigated in respect of the strategic road network. I do not consider it undermines the case for a more advantageous strategic solution as advanced by KCC. I do, however, consider that where the Plan identifies specific highway mitigation to support the Plan's growth that capacity at M2 Junction 3 be added to this list. As it was already identified in **MM16** in relation to the Lidsing policy and in the IDP I do not consider making a further specific amendment to **MM51** in relation to Junction 3 would be prejudicial. No MMs are necessary as a consequence of the further evidence on M2 Junction 3 to Policy LPRSP13 as this identifies that any infrastructure requirements in site specific policy are not an exhaustive list.
166. In terms of local access and highways at Lidsing there is a clear transport strategy to deliver an east-west highway link through the site and to encourage modal shift. As such it has been appropriate that high-level transport assessment work for Lidsing has taken account of these two factors. It is evident that appreciable volumes of traffic are unsatisfactorily using the network of lanes across the Lidsing site to travel east-west, to the detriment of more sustainable forms of travel. As such the Lidsing proposal presents a strategic opportunity to establish improved connectivity (for various modes) between areas of the Medway towns, which should be regarded as a clear benefit.
167. The obvious solution for a cross-site link at Lordswood would be to connect into North Dane Way, which is already laid out at Albemarle Road to continue south-east into the Lidsing location. This would require land not in the control of the site promoter to make the connection. The land is controlled by Medway Council who have determined previously not to dispose of the land in order to protect the area. This matter is regarded by those opposed to Lidsing as key to the soundness of the proposal. At this stage, I disagree for two reasons. Firstly, other major development has already been approved in the vicinity of North Dane Way. If the Lidsing Garden Community proposal is added to this,

particularly in combination with the adjacent Gibraltar Farm scheme<sup>39</sup> (in Medway), the potential benefits of North Dane Way, particularly for bus circulation, should not be disregarded. Secondly, whilst sub-optimal, other options for an east-west link may exist via an upgraded Ham Lane and the Gibraltar Farm scheme<sup>40</sup>. As such it remains justified that the Lidsing proposal seeks to deliver the clear benefit of a new east-west link across the site.

168. The Transport Assessment work in ED53(a)-(c)<sup>41</sup>, identifies a potential number of off-site junctions in Medway that would require improvement as a consequence of traffic generation arising from the proposed allocation. This has been considered further in a technical note on indicative phasing and mitigation<sup>42</sup>. Details on the practical delivery of off-site improvements would be more appropriately addressed through the SPD, masterplanning and attendant transport assessment processes. I do, however, consider it necessary for soundness that the policy for Lidsing is clear that off-site highway improvements will be necessary, including in the Medway area. This would align with evidence in the IDS and ITS. Accordingly, MMs are required which I set out below.

169. Whilst there is an emphasis on encouraging containment in Lidsing in line with the garden community principles, transport modelling shows additional vehicle trips towards Maidstone. However, the implementation of an east-west link through the scheme is shown to have an appreciable effect in re-distributing traffic away from Boxley to the enhanced access at M2 Junction 4. Nonetheless, the route via Boxley provides the most direct link to the northern edge of Maidstone, rather than the better standard of the A229. In this regard I share the concerns of local Parish Councils and KCC regarding the need for mitigation. The issue of this traffic assignment also aligns with the impact on protected woodland habitat between the Lidsing development and Boxley. As such there are two clear reasons to deter and manage traffic south of the site.

170. The proposed approach for Lidsing must start from the point of encouraging modal shift in terms of its location, comprehensive mixed-use development and the potential of bus, cycle and walking. This has been analysed through the Transport Assessment and subject to further detailed work on bus routes and wider site connectivity for pedestrians and cyclists. At a high-level, modelling work (using either KCCs VISUM or Medway's AIMSUN strategic models) shows that an east-west link through the site will re-assign some off-site traffic from the local road network. This is likely to be the case for Bredhurst given an east-west link would be a more attractive route than the current arrangement.

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<sup>39</sup> Principle allowed on appeal March 2017.

<sup>40</sup> LPR1.97 page 51 and LPR1.109 (paragraph 3.3.6) and sensitivity tested in ED53 Lidsing Transport Assessment

<sup>41</sup> Following the scoping presented in ED4F

<sup>42</sup> ED93 Technical Note - March 2023

171. Whilst I appreciate local communities will want to know specific interventions at this stage that would not be reasonable or necessary for plan soundness for a strategic policy. What is evident from the transport evidence for Lidsing (and indeed wider growth) is that deterrence measures are likely to be required in both Bredhurst and within the development that will discourage the number of movements south towards Boxley such that the alternative routes would be preferred. This would need to be the subject of more detailed work. Supporting interventions have been considered at a level proportionate to plan-making as part of the further assessment work. At a high level the possible interventions include internal road layout design within the development, measures within Bredhurst and possible intervention at the Forge Lane bridge. It would be premature to contain specificity on the interventions in the strategic policy and so it would be sufficient for soundness to modify the policy to confirm that a transport assessment will consider mitigations in Bredhurst and Boxley as set out in **MM16**.
172. Deterrence is also going to be required as part of the strategy to address air quality on qualifying features of the North Downs Woodland SAC, as set out above in the HRA being able to arrive at a positive conclusion. The mitigation strategy identified as part of the HRA will include, amongst other things, traffic calming to discourage access/egress via Boxley and Bredhurst, green travel planning and modal shift at the Lidsing development, layouts that discourage access via Boxley and softer measures such as signage strategies. Consequently, in order for the plan to comply with the Habitats Regulations and to be justified, effective and consistent with national planning policy with regards to actively managing patterns of growth and mitigating impacts on the road network to an acceptable degree significant additional content needs to be added to the Plan in respect of Lidsing. I set this out below in the recommended MMs.
173. Clearly, Natural England will have a role in advising on an effective mitigation at the project level. Given the issue relates to traffic and mitigation will also likely involve highway interventions, I have amended the wording of **MM16** to include an additional reference to the input of the highway authorities, where relevant. I consider this further modest change, post the MM consultation, is necessary for effectiveness.
174. The proposed housing and employment development at Lidsing would be outside of but within the setting of the dip slope of the Kent Downs. As set out above, the highway connection to the M2 would require land within the KDNL. The NPPF at paragraph 176 states that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

175. The proposed highway within the KDNL requires approximately 1ha of land and would involve a length of new single carriageway spur, elevated on an embankment to cross over the M2 via a new over-bridge and with various lighting columns and signage. Having regard to the proposed nature and scale of the development and its potential to adversely impact the purpose of the KDNL the proposed scale of the highway works would amount to major development.
176. There is a need for a direct connection to the M2 to serve the allocation and avoid harm to the surrounding road network. Whilst some early development may be feasible without it, later phases of the housing as well as the employment development will require the link. More widely, an east-west link through the site, has the potential to offer appreciable transport benefits including for bus circulation between existing communities in the Medway Towns.
177. In terms of the scope for connections to the M2 to avoid the KDNL, this is challenging as the M2 forms the boundary to the KDNL. Other options to accommodate a connection to the M2 have been explored and appropriately considered in LPR5.6, ED21 and ED53<sup>43</sup>. Alternative options, including those that would also require land within the KDNL, have been appropriately discounted. In terms of detrimental effect to the KDNL, I find the large, generally featureless 20ha arable field within which the proposed highway works would be accommodated has relatively few key landscape characteristics of the KDNL. There are no public footpaths across it and only very limited biodiversity value. Current traffic noise from the adjacent M2 means this is not a tranquil location.
178. Of the 20ha host field, approximately 19ha would be available for landscaping, biodiversity and appropriate public access. As such the harm would be significantly moderated. I do consider, however, a MM to part 3 of LPRSP4(b) is necessary to ensure that the 19ha is clearly secured for the intended mitigation and subsequently reflected in the SPD and masterplanning processes<sup>44</sup>.
179. Overall, I consider there is a reasonable prospect that planning permission would be granted having regard to the test of exceptional circumstances and the public interest considerations, in the terms set out at NPPF paragraph 177 a)-c).
180. The allocation is immediately to the north of the KDNL and within its setting. The policy as submitted seeks to address the impact, but it would be broad-brush and therefore not effective in terms of securing necessary mitigation.

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<sup>43</sup> Strategic Road Network Access – Options Appraisal

<sup>44</sup> As shown, indicatively, at Appendix 7 to ED68

Accordingly, significant MMs are required for effectiveness and to ensure consistency with national planning policy at NPPF paragraphs 174 and 176.

181. The policies of the Plan, including for Lidsing, have been assessed as part of plan-wide viability work and then further as part of addendum for strategic sites to take account of proposed MMs. For Lidsing, the vision is to create an attractive, exemplar community which would have appeal and value. Additionally, the proximity to the M2 will generate commercial value for the proposed employment uses. The site would have significant infrastructure costs, notably the improved access to the M2 including replacement of an existing overbridge. Approximately £12million has been ascribed to this<sup>45</sup>.
182. Lidsing at present values would be a £737million development. The latest viability assessment for the Plan shows that the development would be viable based on 40% affordable housing and some £77.6million for infrastructure. There is a clearer viability for Lidsing, compared to Heathlands, such that it would require notable decreases in values or increases in costs to render the scheme unviable. I note that some infrastructure costs for Lidsing are disputed, including with Medway Council, but further work will be required to determine specific costs. As set out elsewhere, the viability assessment for the Plan has taken a cautious approach on factors such as build costs that would provide some contingency to be balanced against increases in infrastructure costs. There is little to persuade me that the viability situation at Lidsing is so tight that this strategic site should be removed from the Plan on deliverability grounds. The viability assessment of Lidsing assumes no external funding. As set out above in relation to Heathlands, this is a long-term strategic project, where costs and values will flux over time. In accordance with the PPG, if fundamental delivery issues arise, this would be a matter for Plan review.
183. As submitted the Plan considers that Lidsing would start delivering first completions in 2027/28, immediately ramping up to 130 units per annum. I find the date for initial completions optimistic by at least a year given the various stages that follow plan adoption. A more realistic scenario would also see an incremental delivery profile in the first two years resulting in a maximum annual output at 130dpa thereafter. As such, this feeds into my separate conclusion below in Issue 7 that the overall housing trajectory in the Plan needs to be stepped.
184. In summary, for the various reasons set out above, the detail of the submitted Lidsing Policy LPRSP4(b) is not sound. Accordingly, MMs are required for plan soundness.
185. Additional text is required in the introduction to the policy setting out the need for AA as part of the HRA and the broad mitigation strategy required, including

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<sup>45</sup> IDP Project NTY15 at £12,058,000.



for Lidsing. In addition to further transport modelling work, this would include a comprehensive, but not exhaustive, list of measures that could be deployed either alone in combination to comprise an effective mitigation strategy. This part of the modification is necessary to ensure a positive HRA outcome for this plan but also for effectiveness and consistency with national planning policy at NPPF paragraphs 174a), 175, 179 and 180.

186. Additional detail in the submitted policy is needed to ensure that impacts on the KDNL are appropriately mitigated. This includes further parameters for the strategic landscaping required, details on the scale and design of commercial development, the requirement for a detailed Landscape and Visual Impact Assessment as part of the progression to an SPD and generally lower densities of housing at the southern parts of the site. Allied to this additional policy content is needed to ensure that the 19ha of mitigatory landscaping south of the M2 is secured and factored into the SPD and masterplan. This are all necessary for effectiveness and consistency with national planning policy at NPPF paragraph 176. I have also recommended that additional text is added to the policy to reference the need for appropriate buffering to any ancient woodland and/or veteran trees within the vicinity of the allocated site. This would ensure consistency with NPPF paragraph 180c).
187. The addition of a new comprehensive table at part 1 of the policy on phasing and delivery is necessary. The table would set out for each 5 year phase the likely infrastructure dependencies and how they relate to the scale and progress of development. This would reflect the IDP and further detailed evidence during the examination that has reinforced the deliverability of the proposal subject to necessary mitigations. All of this is necessary within the policy to ensure that the Plan would be effective and consistent with national planning policy regarding national landscapes (NPPF paragraph 174), delivering sustainable larger scale development (NPPF paragraph 73b), c) & d)), managing sustainable patterns of growth (NPPF paragraph 105), facilitating modal shift (NPPF paragraph 106) and avoiding severe residual cumulative impacts on the road network (NPPF paragraph 111).
188. To provide further clarity on delivery and assist the masterplanning process, a Masterplan vision framework plan should be set out alongside the policy and referred to in part 3 of the policy. This would ensure the policy would be effective and consistent with NPPF paragraphs 73c) and 127. Although I do not recommend it for soundness, the diagram would benefit from a key to assist implementation of the plan.
189. Significant additional text is required to part 6 of the Policy including a requirement to submit a 'Monitor and Manage Strategy' for transport infrastructure in line with the 'vision and validate' approach in DfT Circular 01/22 and to be agreed in consultation with National Highways and KCC. I have slightly amended the wording of this part of the MM to clarify that the

implementation of the 'Monitor and Manage Strategy' will be agreed by the Local Planning Authority in consultation with National Highways and KCC Highways, to ensure further effectiveness. Confirmation that off-site highway mitigations in Boxley, Bredhurst, the A229 and A249 corridors, the M2 Junction 3 and at locations within Medway, are all necessary. That they will be subject to further assessment including through the 'monitor and manage' approach. In this regard, and following the consultation on the MMs, I have sought to strengthen the requirement that further transport assessment must be undertaken prior to the submission of any initial planning application and not just at the SPD process. I have also sought to make clear that such assessment work must consider the impacts on Bredhurst and Boxley as well as other locations identified, including in the IDP. These modifications would be necessary so that the plan is justified, effective and consistent with NPPF paragraphs 104, 105, 106, 110 and 111.

190. The policy needs to be modified to clarify that a medical facility could be included as part of a new Local Centre within the development, consistent with the IDP<sup>46</sup>. This part of the modification is necessary for effectiveness.
191. A revised trajectory for housing delivery, amending first delivery from approximately 2027 to 2028 to reflect more realistic lead-in times is necessary. Additionally, revising the capacity of the site to be delivered within the revised plan period of 2038 from 1,300 to 1,340 homes is required. Additionally, clarifying within the policy that 40% affordable housing would be the target is also needed. These modifications would ensure the policy would be justified and consistent with NPPF paragraphs 68, 73d) and 74.
192. All of the above MMs are presented in **MM16** which I recommend so that the plan in relation to the strategic policy framework for Lidsing is justified, positively prepared, consistent with national planning policy and effective.

## **Conclusion on Issue 2**

193. Subject to the MMs identified above the Plan's strategic policies for the Garden Settlements would be sound.

## **Issue 3 – Whether the policies for the proposed strategic development locations would be justified, effective and consistent with national planning policy?**

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<sup>46</sup> Project HPLPR2

## Invicta Park Barracks Strategic Development Location

194. The submitted Plan at Policy LPRSP5(b) provides a degree of continuity from Policy H2(2) in the 2017 Local Plan. Whilst there are appreciable areas of environmental and heritage sensitivity within the site, it would be untenable, in the context of the substantial housing need, not to continue to consider the development potential of the wider 46.75ha site. This includes the large areas of workshops, hardstanding, ancillary buildings, sports pitches and residential accommodation. The site occupies a highly sustainable location close to the town centre.
195. The evidence<sup>47</sup> for this Plan is that the Ministry of Defence have confirmed whole site disposal by 2029 (with some scope for earlier small land parcel release). As submitted, the Plan's content regarding delivery is not justified. **MM21** would clarify when the site would come forward and I recommend it for effectiveness.
196. In terms of the potential capacity of the site, there are a number of constraints that will inform this, not least the Grade II\* Listed Park House and Walled Garden and their settings, the high-quality sylvan parkland environment through the heart of the site, the other areas of woodland within the site and the undulating topography. Wildlife corridors exist within and around the site and their retention and enhancement will further influence the final development capacity. As such it is justified that the policy requires the allocation to progress through an SPD and masterplanning.
197. The significant volume of technical evidence<sup>48</sup> appropriately demonstrates the reasonableness of a capacity of some 1,300 homes as an efficient use of the site in accordance with NPPF paragraphs 119 and 124 d) and e). This evidence has appropriately considered the potential of higher density development (at appropriate height and massing) in the lower south-west part of the site close to the Springfield Park development. However, other developable parts of the site are clearly going to need a design approach that limits any harm to the heritage significance of the assets and preserves as much of the areas of high-quality sylvan character as possible. As I address below, the site should also be positively considered for accommodating other land uses, including potentially a new through school, which could further affect the housing capacity of the site. Consequently, achieving 1,300 homes across the likely net developable area of the site would still require an ambitious net average density<sup>49</sup>. Overall, the SLAA is justified in anticipating some 1,300 homes on the site.

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<sup>47</sup> LPR5.8 Invicta Barracks Vision Document and Roadmap 2022

<sup>48</sup> Documents LPR5.9-5.19 comprising 11 technical notes and the indicative masterplanning in LPR5.8

<sup>49</sup> ED128 Viability Assessment Addendum predicated on net average density of 66dph (para 1.7, p6), broadly consistent with average density of 60dph in Vision & Roadmap document LPR5.8

198. The policy as submitted required the demolition of Nos.1-8 The Crescent which are spaciouly set good quality semi-detached houses a short distance to the north of Park House. There appears to be little justification for this policy requirement and so it should be deleted so that the Plan would be justified. Development on the site will alter the setting of Park House but it would generally involve removing unsympathetic utilitarian buildings due to the long-standing military use of the site. The moderate densification required to achieve the housing numbers would result in some harm to the wider setting of Park House, but this would be less than substantial and very much at the lower end of any such spectrum of harm. Applying the balance in the NPPF, the significant public benefits of housing in a highly sustainable location would outweigh the identified heritage harm for the purposes of plan making.
199. As submitted the policy refers to “up to 1,300 dwellings”. To ensure the plan is positively prepared, I recommend a MM that the 1,300 homes should be expressed with some flexibility so as not to inhibit the potential for additional modest supply should that be supported by more detailed analysis through masterplanning and at the planning application stage.
200. Allied to this I also recommend as part of the MM that the policy is accompanied by a conceptual framework diagram which identifies the known constraints. This would provide a high-level plan from which to develop a detailed SPD development brief and masterplan for the site. The framework diagram reflects the technical evidence submitted and so I recommend its inclusion for effectiveness.
201. As submitted the plan refers to development on the site providing “requisite community facilities”, including a new through-school, “where proven necessary and in conjunction with housing.” As a starting point, I consider it positive that during plan-making, the potential of new secondary school provision on the site, which would be primarily for the wider needs of the town, is included in the allocated policy.
202. The KCC pupil forecasts should be taken as a reasonably reliable starting point. However, they are forecasts (which can change) and as such I consider it prudent and justified that the policy identifies that the matter of secondary school provision should be kept under review. If the KCC forecasts (which presently show a steady, cumulative growth in pupil numbers over the plan period) remain robust and no alternative school capacity has been provided or identified elsewhere within urban Maidstone, then the SPD and masterplanning process must not disengage from identifying land for a secondary school (including the potential to deliver a new through school on the site) as identified as part of the first phase.

203. KCC advise that additional secondary school capacity for the wider Maidstone urban area is required by 2027. However, the main disposal of the Invicta site would be in 2029, with further site preparation work, agreements and planning applications thereafter. The alternative, which KCC refer to, would be the allocation of an alternative site for a secondary school in this Plan. That would require a call for sites for land for a new school with no guarantee that a suitable site would be presented. For this Plan, the Invicta Park Barracks site is the only reasonable development site option with the potential to provide land for a new through-school in the Maidstone Urban Area. It would do so in a highly sustainable location. Overall, the need and timing of any school provision is likely to be the subject of further work and scrutiny, including as part of the SPD.
204. The proposed conceptual framework diagram for the site shows undulating land currently occupied by service personnel housing, a play area and woodland being zoned for the school site. KCC consider the site challenging to deliver a new secondary school and that the costs identified in the IDP<sup>50</sup> (c.£36 million) are an under-estimate, resulting in a prejudicial financial burden and potential wider viability issues<sup>51</sup>.
205. In terms of the proposed area of land shown for a school, this would be a starting point and further masterplanning would be required for the wider site. In land use terms, the location makes strategic sense for school provision, being located adjacent to the existing North Borough Junior School and towards the south-west of the site where access to the wider town and to the town centre (including trains and buses) would be better. Overall, I consider there are benefits to what is proposed that would need to be carefully balanced against potentially higher implementation costs. It would be premature to conclude the indicative area for the new school is undeliverable or unviable prior to masterplanning work. Based on the evidence, including the IDP, the need for a school, stems primarily from the wider catchment population. The Invicta Park site would only need to make a proportionate contribution. The IDP recognises that funding is likely to be a blend of Basic Need Grant from the government, prudential borrowing from KCC and S106/CIL monies collected on other developments within the wider Maidstone area.
206. Accordingly, I consider a suitably worded MM would be necessary to clarify the support in-principle for the delivery of school infrastructure at this location, whilst giving suitable flexibility for alternative uses should the school use no longer be required. In terms of the clarity, the policy should be modified to reference an 8 Form Entry (FE) through school comprising of 2FE primary and 6FE secondary. The need should be caveated as being subject to review of future educational

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<sup>50</sup> Project EDM9

<sup>51</sup> Latest KCC high level costs estimates at February 2024 are £48-60million, across 3 cost scenarios, including risk allowance (10-15%) and compound inflation @ 26%.

need and an ongoing assessment of whether there are other sites in or around the town centre that could have scope to accommodate some or all of the need.

207. The strategic plan-wide viability assessment addendum for the Invicta Park site, applying 2023 costs, makes an allowance of approximately £14million for planning obligations and assumes no affordable housing. There will also be significant costs for site clearance and remediation. As a publicly owned site, there is also an imperative to maximise the capital receipt. Consequently, the viability assessment, whilst finding the site viable, does so only on the basis of a marginally positive residual land value. Modest changes in build rates or sales values would be challenging for the development. Additionally, given the constraints at the site, there is limited scope to increase the number of units to add further value. Whilst the viability is only marginally positive, that is not reason alone, to remove what is otherwise a highly sustainable development site from the Plan. The Borough Council will need to monitor the situation, including any external funding opportunities for strategic brownfield sites<sup>52</sup>, where they have the advantage of being positively allocated in an up-to-date plan.
208. As submitted, the policy sets out a relatively broad approach to infrastructure on the site, which I consider would not be effective, justified or positively prepared. Ongoing work with the Defence Infrastructure Organisation and with infrastructure providers, including through the IDP, means there is evidence to inform a new table to be inserted into the policy, outlining a phased approach with indicative infrastructure delivery linked to development.
209. Further transport modelling work on the impacts of the Invicta Park Barracks development on the strategic and local road network has been undertaken during the examination and presented in a technical note<sup>53</sup>. The outputs of this are now reflected in the latest IDP<sup>54</sup> and are consistent with a main access from the A229 Royal Engineers Road and a secondary access from Sandling Lane. The additional evidence shows that part-signalisation of the A229 roundabout would allow for capacity in 2037 for both development traffic and background growth, assuming restricted access via Sandling Lane.
210. Similar to other strategic developments in the Plan I consider a MM is necessary to require the submission of a 'Vision and Validate' strategy, based on DfT Circular 01/22, as part of a 'monitor and manage' approach and for KCC to have a key role in this process. Ultimately, the phasing in the MM is necessarily 'indicative' but it identifies off-site highway works to the A229 in phase 2 (2032) after pedestrian/cycle connections to the town centre and bus

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<sup>52</sup> Indicated at paragraph 3.10 of ED63

<sup>53</sup> Traffic Modelling and Access Junction Review Update – WSP April 2023 [ED96]

<sup>54</sup> Projects NYT21 and 21a

services as part of phase 1. Overall, I find with the MMs in place, the strategic policy for the site would be consistent with NPPF paragraphs 106, 110 and 111.

211. Given the identification of the Invicta Park Barracks site as a strategic development location, it is anomalous that Policy LPRSP2, which sets out a strategic policy for the Maidstone Urban Area, makes no reference to the largest single planned development in the town. **MM11** would rectify this so there is transparency for decision makers and other users of the Plan (infrastructure providers) on the totality of what the Plan is proposing within the urban area. Consequently, I recommend the MM for effectiveness.
212. It is justified that the housing trajectory makes an allowance for early on-site delivery of 50 units in 2027, stepping up to an annual output of 150dpa from 2032/33 for the remainder of the Plan period. This is appropriately reflected in the revised housing trajectory presented as per the MMs.
213. In summary for the Invicta Park Barracks site, I recommend the following modifications as being necessary for Plan soundness for the reasons set out above.
- i. The site capacity is identified as a target of 1300 homes, and not a limit.
  - ii. Significant additional policy content in part 1 of the policy on indicative phasing and infrastructure dependencies over the Plan period. I have further amended the highway requirements in phase 2, having further regard to the evidence that the existing capacity issues on the A229 should be mitigated and the Invicta Park development would not be wholly responsible for these improvements.
  - iii. A commitment in the policy to a 'Vision and Validate' approach to transport assessment so that any required off-site highways infrastructure is demonstrably necessary as part of a 'monitor and manage' approach. I have slightly amended the wording of this part of the MM to clarify that the implementation of the 'Monitor and Manage Strategy' will be agreed by the Local Planning Authority in consultation with National Highways and KCC Highways, to ensure effectiveness.
  - iv. Clarity that biodiversity net gain would be secured in accordance with the relevant strategic policy of the Plan.
  - v. Clarity that when preparing the SPD attention will be given to the military heritage of the site and delete unjustified references to removing existing dwellings at 1-8 The Crescent to enhance/restore the parkland setting.

- vi. A clear policy commitment to retain a Hindu place of worship as part of the redevelopment.
- vii. Further specificity on the educational infrastructure that could be accommodated on the site, within the context of ongoing review of need and assessment of other sites to accommodate some or all of the need. I have amended the indicative infrastructure and phasing table to clarify that new through school provision in Phase 3 is subject to future need being established, which would be internally consistent with modified criterion 13 of the policy.

214. **MM22** would make these changes to the submitted strategic policy for the site and I recommend the modifications for the reasons given. I have slightly amended MM22 to reference Annington who have an interest in the site and a role in bringing it forward. In addition, an indicative framework diagram within the Plan alongside the policy would be necessary for effectiveness to guide the SPD and masterplanning processes. **MM23** would do this, and I recommend it accordingly. **MM17** would modify Policy LPRSP5 in clarifying the target of 1300 homes at this site for effectiveness.

#### Leeds-Langley Corridor (Policy LPRSP5(a))

215. As set out above under Issue 1 I have found the approach to this location as part of a spatial strategy not to be sound in terms of putting a marker down for a broad location for strategic growth as part of this Plan.

216. I am mindful that a relief road has been a long-held objective through successive plan documents, reflecting considerable local support from those rural communities east of Maidstone that are adversely affected by current traffic flows on the B2163. As submitted Policy LPRSP5(a) sought to safeguard an extensive area of land to protect the potential of delivery a relief road. I find little justification that land should be safeguarded to provide confidence or certainty for landowners to invest in promoting an allocation as part of a future round of plan-making. I note that there are relatively few alignments available to achieve a connection for the relief road from the A274 to the M20/A20. However, Policy LPRSP5(a) as submitted attempts to cover too many bases, including pre-emptively seeking financial contributions towards the road, the basis of which is likely to be challenging in the context of the tests in the CIL Regulations. Furthermore, it is not clear how small-scale proposals within the widely drawn safeguarding area would be assessed. This would be contrary to paragraph 16 of the NPPF.

217. In conclusion, I find it necessary for plan soundness that the need for safeguarding a road corridor at Leeds-Langley is removed from the Plan and Policy LPRSP5(a) is deleted. The Policies Map would also need amending accordingly, as consulted alongside the proposed MMs. **MM17** would modify



Policy LPRSP5 accordingly, and **MM18**, **MM19** and **MM20** would remove the necessary supporting text, Policy LPRSP5(a) and the diagram of the safeguarding area from the Plan respectively. These MMs are all necessary so that the Plan would be justified, effective and consistent with national planning policy.

218. The option of development at Leeds Langley remains a matter for the Council when preparing future development plan documents, alongside other potential strategic development choices. The technical work to date on options for a potential route alignment for the road is not invalidated by my conclusions on this matter. Policy LPRSP13 of the Plan deals with infrastructure delivery and having investigated the strategic business case for a Leeds-Langley relief road, it is understandable that the Council would still wish to examine how such infrastructure could be delivered and to make this a statement of strategic intent. Accordingly, I recommend additional text within Policy LPRSP13 and supporting text in **MM56** and **MM55** respectively, for effectiveness.

#### Lenham Broad Location

219. The Lenham Neighbourhood Plan was made in July 2021, making provision for a supply of 998 homes on allocated sites as of 1 April 2022. Nonetheless, it remains justified and positively prepared that the Plan continues to identify Lenham as a broad location for housing growth. The LBL growth, as with the nearby Lenham Heathlands proposal, has the potential to impact on the setting of the KDNL. Additionally, it is necessary to add to the strategic LBL policy the need for this growth to come forward in a way which would preserve or enhance the character or appearance of the Lenham Conservation Area. As such, these omissions need to be reflected in submitted Strategic Policy LPRSP5(c). Accordingly, I recommend the additional criteria in **MM24** for consistency with national planning policy at NPPF paragraphs 176, 189 and 199 and for effectiveness. I have amended the wording in the MM in relation to impact on the KDNL to add the word "avoid" to further reflect NPPF paragraph 176.
220. Policy LPRSP5(c) should be amended so that it would be effective in ensuring that the development would not have an adverse effect on the integrity of Stodmarsh SAC/SPA/Ramsar site through waste water nutrient discharge. This issue was recognised late in the neighbourhood planning process but not necessarily positively addressed and so now needs to be embedded in this Plan. The issue of upgrading the existing Lenham WWTW is identified in the IDP (project UT9), which would be the responsibility of Southern Water. Further work is likely to be required to ensure that any capacity enhancements at Lenham WWTW discharge to the required standards for the Stour catchment. However, to expeditiously unlock development, it may be an option that capacity could be secured via the proposed solution of a private treatment plant at Lenham Heathlands. Consequently, I recommend **MM24** which would add necessary additional text to the policy on waste water treatment and maintaining

the integrity of Stodmarsh. The amendment to the Policy would be needed to ensure consistency with national planning policy and effectiveness but also to enable a positive HRA conclusion in respect of this strategic policy.

### **Conclusion on Issue 3**

221. Subject to the MMs identified above, the policies for the proposed strategic development locations would be justified, effective and consistent with national planning policy.

### **Issue 4 – Whether the Plan's policies for employment land provision and economic growth are positively prepared, justified, effective and consistent with national planning policy.**

#### Employment Land

222. In terms of meeting employment needs, the EDNS has appropriately considered the pipeline of supply including extant 2017 Local Plan allocations, sites with planning permission and the proposed sites in the submitted Plan, including the employment land provision at the two new garden settlements. Table 3.4 of the 2021 EDNS addendum shows as of February 2021 a pipeline of 237,430sqm. Even when removing the 41,023sqm assigned to Site LPRSA273 (Whetsted Road), there would remain a supply capable of yielding circa 196,500sqm. In terms of how the supply corresponds to the types of floorspace demand, remaining capacity at Newnham Park, on Maidstone town centre sites and mixed used developments elsewhere would meet the forecast demand for office floorspace. For industrial and warehousing, the evidence points to an adequate supply through a combination of existing sites and proposed allocations such that it would not be necessary for soundness to require the release of additional land.

223. The EDNS makes reasonable assumptions of employment land delivery at Lidsing and Heathlands during the plan period (50% at Lidsing and 35% at Heathlands). Whilst the market remains relatively untested at both locations, Lidsing would benefit from access to the M2 and Heathlands would be reasonably related to the M20. In the short to medium term, existing consented supply will accommodate most of the logistics and warehousing floorspace that is forecast over the total plan period. After this, the new garden settlement locations would provide reasonable options to maintain supply, particularly at Lidsing given its adjacency to the M2, with a lesser logistics role for employment at Heathlands. Overall, the Plan would provide sufficient flexibility to accommodate logistics and warehouse floorspace. If matters substantively change, the requirement to consider a plan review within a five year period, would be the appropriate mechanism.

224. The spatial strategy appropriately recognises that there are existing employment sites from the 2017 Local Plan that will have a strategic role to play in meeting the identified need for employment floorspace. This includes the Woodcut Farm development close to Junction 8 of the M20 (Bearsted), the Newnham Park site on the northern edge of Maidstone and the former Syngenta Works site near Yalding. At the time of the examination, the Woodcut Farm development was under construction and so it will provide for significant amount of new, high-quality employment floorspace in the short term. Additionally, the Newnham Park site is part implemented, with elements of key infrastructure in place, and will provide for further delivery in the plan period.
225. A large element of the employment land supply would be at the former Syngenta Works close to Yalding. The site was allocated in the 2017 Local Plan and now has planning permission. Construction work has now started on delivering a business park development. The site is reasonably well-located to the A228 which provides a good standard of road link to the M20 at Junction 4. The site is also directly adjacent to Yalding railway station. The Syngenta site is clearly being delivered, notwithstanding contamination and flood risk issues, and appropriately adds to flexibility of employment land supply, particularly in the short and medium phases of the plan period.
226. Overall, through a combination of extensive existing supply, capacity on town centre opportunity sites, existing parcels of land and allocated extensions at existing employment areas and significant new land releases as part of the garden settlements, the submitted plan would provide sufficient employment space in quantitative terms to meet the employment land requirement over the plan period. In addition to the EDNS, employment allocations have been subject to the SLAA. As such the Plan would be consistent with NPPF paragraphs 81, 82b) & d) and 83 having identified sites to meet anticipated needs over the plan period, providing a degree of flexibility and making provision for clusters (Kent Medical Campus) and storage and distribution uses in suitably accessible locations.
227. In terms of Policy LPRSS1 and the Spatial Strategy, the section on employment sites contains some out-of-date text that requires a small number of modifications. This includes a clearer reference to delivery at Woodcut Farm and to the continued build out of the Kent Medical Campus at Newnham Park. **MM7** would do this, and I recommend it so that the plan would be justified and effective.
228. In terms of creating new employment opportunities through the safeguarding of the existing portfolio of Economic Development Areas (EDAs), various modifications are required to Policy LPRSP11(A) in respect of key sites, in large part to reflect significant factual updates. **MM45** would significantly update the text applying to Woodcut Farm, recognising the permission now being implemented and so I recommend it for effectiveness. Similarly, it is necessary

to factually update Plan content in relation to the Syngenta site at Yalding. This would include restructured text recognising that the site is in Flood Zone 3a. **MM43** and **MM46** would address this and accordingly I recommend it for effectiveness. In light of the responses to the MM consultation I have amended the wording in **MM46** to make clear that the site is allocated for employment uses which are a 'less vulnerable use' and so not subject to the exceptions test.

229. Strategic Policy LPRSP11(B) sets out the employment sites that would be allocated through the Plan. In light of the above, various modifications would be necessary to the policy including part 1 of the policy being clear in terms of the employment site references carried forward from the 2017 Local Plan. Part 2 of the policy needs to be amended to include reference and floorspace figures for site LPRSA066 (Lodge Road, Staplehurst) and the commercial floorspace to come forward at site LPRSA362 (Maidstone Police HQ Site). These changes then need to be reflected in the summary table of employment and commercial sites. **MM48** would make the necessary changes to Policy LPRSP11(b) and **MM49** would modify the table, and I recommend both for effectiveness.

230. Policy LPRSP11(A) does not preclude the loss of employment land or premises within EDAs subject to criteria being met. Whilst no modifications are required to the categories of EDA set out in Table 11.1, additional text is required to Policy LPRSP11(A) to clarify the types of 'businesses uses' that would be supported on EDAs by reference to the distinction in Table 11.1 (those which are the more traditional, mixed use employment areas and those which are office developments (Class E(g)). Within the sites listed in Part 2, the Eclipse Park EDA, at the northern edge of Maidstone is evolving, including a predominant retail offer. As such a more flexible approach to Eclipse Park would be appropriate. **MM44** would make these changes to Policy LPRSP11(A) and I recommend the proposed modification so that the plan would be positively prepared and effective.

231. Tourism and leisure are an important part of the economy in the Borough, particularly in the rural areas. Consistent with NPPF paragraph 84c) the submitted Plan seeks to enable sustainable rural tourism and leisure developments which respect the character of the countryside. Submitted Policy LPRLTR2 would support holiday accommodation proposals subject to criteria. As submitted the Plan does not provide sufficient precision when it references the stationing of holiday lets and caravans. The submitted Plan intends the term 'holiday lets' to cover a myriad of alternative holiday accommodation forms. It would not mean holiday lets in the form of permanently constructed dwellings in the countryside, and this needs to be clarified. Additionally, the reference to caravans in the policy needs to be clear it applies to holiday accommodation and not for other purposes. **MM98** would make the necessary changes to both Policy LPRLTR2 and its supporting text for clarity and therefore effectiveness, and I recommend it accordingly.

#### **Conclusion on Issue 4**

232. In conclusion, subject to the above-mentioned MMs, the Plan's policies for employment land provision and economic growth would be positively prepared, justified, effective and consistent with national planning policy.

#### **Issue 5 – Whether the site specific policies for housing / mixed-use allocations identified within and around the Maidstone Urban Area are sound?**

##### Maidstone Town Centre

233. The Plan envisages a positive and significant role for Maidstone town centre, particularly for housing delivery, including a number of high profile previously-developed sites in need of regeneration. Some of these sites have been identified for redevelopment for some time, but they have been appropriately assessed through the SLAA process. It remains justified that the Plan positively identifies them in order to encourage action and investment, including through ongoing town centre strategy work.

234. Most of the town centre supply is appropriately profiled in the housing trajectory. Where there is less certainty about the timing of sites, they are clearly identified separately in Policy LPRSP1 as part of the 'Town Centre Broad Location', consistent with NPPF terminology at paragraph 68 b). The potential supply within the plan period from the Town Centre Broad Location needs to be modified in Policy LPRSP1 to be justified. This includes a significant net reduction from sites, including Lockmeadow, that need to be further assessed as part of the town centre strategy to provide a more robust figure of what may come forward later in the plan period (from 2033/34 onwards). Some of the other indicative site capacities need to be modified to reflect latest evidence and the extended plan period. This would be reflected in the modified housing trajectory recommended in Issue 7 below.

235. Policy LPRSA146 provides a positive framework to comprehensively bring forward the highly sustainably located Maidstone East site for a mix of uses including 500 homes. The submitted policy appropriately reflects the site context and seeks public realm enhancements onto the Sessions House Square and Week Street. With the detailed requirements for the site set out in Policy LPRSA146 I am satisfied that the proposed scale of development could be satisfactorily accommodated, on what is a large site including the significant under-used former Royal Mail sorting office buildings behind Cantium House.

236. The submitted policy for the site is expressed as providing for a minimum level of development, inferring potentially significantly more development could take place. Given the various requirements for the site and its context close to Listed buildings, the railway and the busy A229 Fairmeadow highway, it would be

necessary to replace 'minimum' with 'approximately'. **MM66** would do this, and I recommend it for effectiveness.

237. On the issue of the master-planned approach, the site may well need to come forward in a more flexible, phased manner, reflecting distinct land components of the site and ownerships. As such it would be necessary to remove the requirement for a whole site masterplan and to introduce text to confirm that any phased approach does not undermine the overall capacity of the wider site and consistency with the policy objectives for the site. Having regard to the objective of optimising delivery on the site, it is not justified, given the need for modal shift and the highly sustainable town centre location, for redevelopment of the site to specifically incorporate commuter car parking for Maidstone East station. In terms of access and transportation requirements for this site, it needs to be clarified that should car free development or reduced levels of parking come forward on the site then any contributions to support sustainable transport measures related to the development would need to meet the relevant tests. **MM67** presents the changes to reflect these various matters and I recommend it for effectiveness.
238. Maidstone Riverside is a significant area to the west of the town centre including the prominent Baltic Wharf site. Policy LPRSA148 provides a positive framework for the wider site and as submitted seeks approximately 650 homes as well as detailed floorspace figures for retail and employment uses. The retail and employment use requirements for the wider site require further consideration. As such it would not be justified to set precise floorspace figures as submitted and to require a suitable mix of uses for beneficial flexibility.
239. The wider site, including the active retail park parts of the site, will be considered as part of the town centre strategy work. The site comprises large single storey utilitarian buildings in non-food retail use with extensive surface car parking. In the context of adjacent and nearby high density residential and when experienced from within St Peter's Street, the Council's ambition to seek a more efficient use of a highly sustainable location is logical. Given that the allocation is in two component parts, separated by the intervening housing at Scotney Gardens, I consider additional flexibility is required within the policy to enable a phased approach, provided this does not prejudice the overarching policy requirements for the wider site. **MM68** would make the necessary changes and I recommend it for effectiveness.
240. In terms of other allocated sites in the town centre, the capacity at Maidstone West (LPRSA149) needs to be modified from 201 to 130 dwellings to reasonably reflect what could be delivered within the plan period on what is likely to be a longer-term site. **MM69** would make this amendment and I recommend it so that the Plan would be justified. To the south of the town centre the allocation at Mote Road is adjoined by various parts of the town centre gyratory road network. The need for improved pedestrian permeability to

the site would be justified. I therefore recommend **MM70** which would introduce an additional requirement in this regard, in order for the Plan to be effective.

241. The Plan identifies approximately 700sqm of main town centre uses coming forward on the King Street car park site (Site RMX1(3)). Only part of the site has been implemented and so the original requirement that the site could accommodate 1400sqm of commercial uses remains valid and the 700sqm figure is not justified. **MM10**, **MM47** and **MM48** would modify the plan at relevant places to reflect the justified figure of 1400sqm and I recommend these modifications accordingly.

242. In addition to the MMs recommended to the individual town centre site allocation policies above, I also recommend **MM10** which would make necessary changes to the indicative capacities of town centre sites in Policy LPRSP1. In this way the plan would be internally consistent and so justified and effective. The upshot of the various changes is that the overall housing capacity of the town centre sites would decrease from 3,059 dwellings to a figure of approximately 2,500 within the Plan period. This is reflected in the revised housing trajectory. Additionally, MM10 also contains an updated Maidstone Town Centre inset diagram which accompanies Policy LPRSP1 which would remove Site H1(20) on Upper Stone Street which has been completed.

#### Maidstone Urban Area

243. Policy LPRSP2 identifies key infrastructure requirements necessary to support sustainable growth in the town. In light of the latest transport and infrastructure evidence, improvements to the A229 Royal Engineers Way and Hermitage Lane need to be additionally identified. **MM11** would make these changes to the policy, and I recommend them so that the Plan would be justified and effective. The policy cross-referenced Policy LPRSP4. The reference in criterion 2 should be to Policy LPRSP1 and so I have amended the wording of **MM11** accordingly.

244. Figure 3.1 of the Plan accompanies Policy LPRSP3 as an inset diagram to show housing sites at the edge of Maidstone. The diagram needs to be modified to remove sites H1(21) and H1(1) which have now been completed and the full extent of allocated site LPRSA270 at Pested Bars Road. **MM12** would insert a revised Figure 3.1 into the Plan and I recommend it for effectiveness.

245. Whilst there has been good progress on building out various 2017 Local Plan allocations in and around the town, a small number of allocated sites remain to be developed/completed. Consequently, the relevant site policies from the 2017 Plan would not be superseded. Site H1(24) at Postley Road, Tovil from the 2017 Plan was inadvertently omitted from the proposed appendix as part of the MM consultation. There was no evidence prior to the MM consultation that the

site would be superseded, and it was shown on the Policies Map. Table 8.1 in the submitted Plan clearly identifies site H1(24) as an allocation that is not yet complete and therefore to be retained. On this basis I consider no one would be prejudiced by my amendment to add H1(24) to the list of 2017 Local Plan policies not to be superseded in **MM108**.

## **Housing Allocations at the edge of the Maidstone Urban Area**

### *Site LPRSA265 Land At Abbey Gate Farm, South West of Maidstone*

246. Sequentially, the site is reasonably related to the town centre and is within walking distance of large food stores and bus stops on Farleigh Hill. In broad terms the site is sustainably located. As demonstrated through the SA and SLAA processes it would be a reasonable and deliverable option to assess as part of an appropriate strategy.
247. The site location gives rise to a number of environmental issues which require particular consideration including, but not limited to, the adjacent Grade II\* Listed Abbey Gate Place, the proximity of the Loose Valley Conservation Area and Landscape of Local Value and the adjacent wildlife site at Walnut Tree Meadows. The extent of the allocation is widely drawn such that it includes areas of land that have a clear rural quality, distinct from those parts of the site closer to the edge of urban Maidstone. I am cognisant, however, that land to the north-west of the allocation benefits from planning permission for a major residential development which will alter the character at this location. As such the proposed allocation would form a logical extension to the built-up area in this part of the wider urban area of Maidstone.
248. In terms of the proximity of modern residential development to the Grade II\* Listed Abbey Gate Place, the NPPF at paragraph 200 is clear that any harm to the heritage significance would require clear and convincing justification. Paragraph 202 of the NPPF says that where harm is less than substantial, this should be weighed against the public benefits of the proposal.
249. In terms of the harm, there would be no impact on the fabric of the building, which I consider to be the main contributor to its heritage significance. Rural setting is part of the heritage significance in terms of appreciating the origins of the building. Whilst Abbey Gate Place would have been conceived as a relatively isolated rural stead, any agrarian origins or functional relationship have been diluted to some notable extent by twentieth century ancillary development within the immediate setting of the building. Additionally, the grounds immediately around the building are now overtly domestic garden including tarmac areas for vehicle parking, a tennis court and a raised terrace feature along part of its northern boundary to the allocated site. Intervening vegetation affects intervisibility to those parts of the site allocation that could be developed for housing. Nonetheless, the proximity of modern residential



development within the wider rural setting of the asset would result in harm to its significance. I have set out in detail elsewhere<sup>55</sup>, why I consider the degree of harm to be less than substantial to the heritage significance of this asset.

250. In terms of arriving at a conclusion that there would be less than substantial harm to the heritage significance of Abbey Gate Place, there are soundness issues with the site allocation policy, that require modification in order for the policy to be consistent with national planning policy and to be effective. This includes further policy content requiring specific regard to the setting of Abbey Gate Place and for appropriate buffers (informed by heritage and landscape assessments) to the southern and eastern boundaries of the site. An additional criterion should also be added to the policy requiring that the approach to landscaping at the allocation maintains a degree of rural outlook from Abbey Gate Place.
251. Furthermore, an additional criterion requiring a landscaped buffer to the north and west of Abbey Gate Place is also necessary. As such, appropriate landscaping between the grounds of the listed building and any new housing would maintain necessary separation and preserve a remaining, moderate sense of rural detachment at the immediate setting of the Listed building.
252. As submitted the policy is not effective in ensuring an appropriate transitional approach to this edge of settlement location. As such modifications are needed to the policy to clarify that a landscape-led masterplan would be informed by a Landscape and Visual Impact Assessment. Additional content is needed to confirm specific landscape buffering is required to the areas of Local Landscape Value and that there would be no built development east of Straw Mill Hill or south of the public footpath.
253. As submitted the policy required new development not to be located on higher ground adjacent to Dean Street. This is ambiguous and therefore ineffective. The policy should be modified to identify that with the exception of a possible site access road there would be no built development on the Walnut Tree Meadows Nature Reserve. There is concern about this, including whether covenants for the wildlife site or ground conditions on what was a former landfill site would allow for an access road. Accordingly, I recommend the policy is modified to recognise that site access could be achieved either from Dean Street or from the adjacent permitted residential site. If vehicular access is required via the Walnut Tree Meadows site the policy should be modified to make clear that land take should be minimised, the route alignment must avoid undermining its function and coherence and that any route should be appropriately landscaped. These modifications are necessary for effectiveness and consistency with national planning policy on biodiversity.

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<sup>55</sup> ED117 Post Stage 2 Letter – July 2023

254. In terms of overall net impact on biodiversity, the wider site is required to deliver at least 5ha of new community woodland. I also recommend, for effectiveness, that the policy is modified to make clear the additional areas of landscaping and buffering required for the reasons set out above, should be subject to a delivery and management plan.
255. To ensure the effective delivery of the site and to reflect the above constraints and proposed modifications to the wording of the policy, it would also be necessary for effectiveness to include a high-level key diagram for the site within the Plan illustrating the net developable area and the significant areas that are to remain open. This would provide a necessary starting point for masterplanning the site as opposed to a simple red line allocation boundary.
256. **MM75** would encompass all of the required changes and I recommend it so that the plan would be consistent with national planning policy, justified and effective.

*Policy LPRSA266 Land at Ware Street*

257. This is a relatively modest site on largely overgrown land to the north of Ware Street. It wraps around an existing residential property 'Fairways' and is bounded to the north-west by a pattern of dispersed, detached dwellings along Ware Street. To the south-east is a modern, linear residential estate at Edelin Road which extends back at depth from Ware Road and along Chapel Road to the east, including a considerable way along the boundary to the proposed site allocation. The site has been appropriately assessed through the SA and SLAA processes as a sustainable and reasonable option.
258. As described above, in terms of settlement pattern the site can reasonably be described as forming a logical infilling between existing housing on this part of Ware Street. The layout and design of development on the allocated site could relate reasonably well to the depth and form of the modern housing on Edelin Road and to the position of the detached dwelling of Birling House to the north-west. In this way development of the allocated site would not appear as an incongruous projection into open countryside. The site does have a verdant quality, in large part from the mature trees and hedging along its frontage to Ware Street. The submitted policy requires site access to minimise the loss of these trees and this would be justified and effective. When looking at the detailed design, layout and landscape requirements of the submitted policy I am satisfied that development on the allocation could come forward without significant harm to the character of this part of Ware Street.
259. The proposed site allocation represents an opportunity to take a comprehensive approach including the policy requirement to provide at least 0.7ha of natural/semi-natural open space. From my observations on site there is already

a strong landscape framework around those parts of the site closest to the KDNL that could be incorporated and augmented in any detailed proposal on the site. The policy recognises the importance of these boundaries, but I consider this could be strengthened by stating in the policy that an assessment would be required to inform this. As such I recommend **MM76** for effectiveness.

260. From my observations around the site, including the public right of way that extends up through the site and across the golf course to Hockers Lane, and from within the KDNL, I found the allocated site to be reasonably contained and not prominent in the wider landscape or the setting of the KDNL. It was not my experience within the site that the KDNL was prominent, in terms of any intervisibility or a strong sense of rurality or tranquillity of the KDNL given the intervening M20 highway. From within the KDNL, the extent of the intervening area of land between the M20 and the allocated site, including the extensive grounds of the golf course and the dense woodland at Honeyhills Wood, means that development on the site would not be conspicuous or significantly erode the current relationship between the KDNL and the built-up extent of Maidstone. Consequently, having regard to NPPF paragraphs 174 and 176, I find that the proposed allocation would be sound in terms of conserving and enhancing the natural environment. Consequently, I am able to arrive at a different conclusion for plan-making compared to recent appeal decisions in the locality.

*Sutton Road Sites - Policies LPRSA270 Land at Pested Bars Road, LPRSA362 Maidstone Police HQ and LPRSA172 North of Sutton Road (West of Rumwood Court)*

261. Transport modelling for the Plan and the ITS recognise that parts of the road network in the urban area of Maidstone operate near or at capacity at peak periods including the A229/A274 Wheatsheaf junction and the Wallis Avenue junction on the A274. The action plan for the ITS includes projects for capacity improvements at the Wheatsheaf, Willington Street and Wallis Avenue junctions on the A274 Sutton Road corridor, including measures for bus prioritisation. This is drawn through into the IDP which identifies A274 corridor projects under reference HTSE1. This is then further identified more specifically for the critical Wheatsheaf junction at IDP projects HTSE6 and HTSE7, in combination with IDP scheme HTSE8 which seeks enhanced bus services along Sutton Road.
262. I was advised that a scheme has been devised for the Wheatsheaf junction, including closing off the Cranborne Avenue arm, which is likely to create some additional capacity. Given the evidence from the transport modelling, the ITS and the IDP a careful approach would be required with the additional allocations and highway impacts on the A274 Sutton Road. That said, the Police HQ and Pested Bars Road sites need to be considered in terms of any net additional traffic generation compared to the existing Police HQ use. Each site allocation policy on Sutton Road requires a highways access strategy to be agreed with the Borough Council and KCC Highways and for prior agreement with KCC on

any necessary off-site highway improvements or mitigation. This could include schemes already identified in the ITS and IDP or additional works. Overall, I consider this to be a suitably precautionary approach.

263. Given the progress being made on the Wheatsheaf junction and having regard to preliminary transport assessments undertaken in support of the proposed allocations<sup>56</sup>, I am satisfied that the Plan's growth would not have unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Policy LPRSP3, identifies the ongoing growth south-east of Maidstone and identifies at part 3 of the policy that highway and transport improvements, including junction improvements on the A274 Sutton Road as key infrastructure requirements for that committed growth.
264. I do, however, recommend the addition of A274 Sutton Road schemes, including Wheatsheaf junction, to paragraph 7.82 of the Plan which identifies key local highway infrastructure schemes for which site allocations are expected to contribute towards. This would be included as part of **MM51**, and I recommend their inclusion so that the plan would be justified and effective. Having regard to the consultation on the MMs, I also recommend the A274 Sutton Road is added to the list of necessary infrastructure for the Maidstone Urban Area in Policy LPRSP2 so that the policy would be justified. I have amended **MM11** on this basis.

#### *LPRSA270 Land at Pested Bars Road*

265. The proposed allocation is for approximately 196 dwellings at an average density of 30 dwellings per hectare. From the evidence this capacity would be a cautious under-estimate, even when factoring-in the character of the site. The net developable area is likely to be larger than the 11ha in the submitted policy, with evidence of a more informed figure of somewhere between 12-14ha. At an average density of 30dpha and allowing for comprehensive landscaping and design approaches to ensure an appropriate built edge at this location, an indicative capacity of circa 196 dwellings is neither justified or positively prepared. As such the site capacity needs to be increased to reflect a realistic figure. An amended figure of approximately 300 dwellings is recommended in **MM77**.
266. In terms of addressing how the site should come forward, including its relationship to the adjacent LPRSA362 site at Maidstone Police Headquarters, the policy needs to be clearer. As a starting point, the policy needs to be modified to set out clear overarching principles for the site that will inform the masterplan framework required elsewhere in the policy. Additional text is now

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<sup>56</sup> DHA Transport Technical Notes for Sites LPRSA172 and LPRSA270 (March 2023)

proposed to do this, reflecting the various land use demands of the site as well as the opportunities to sustainably connect the site into the wider urban area.

267. The policy also needs to clarify that the amended land budget of 12-14ha for net residential use will be further informed by the need to undertake a Landscape and Visual Impact Assessment and other open space / sports facilities requirements given the location of the site. As submitted the policy makes provision for 25ha of land for country park use, which would be a significant wider public benefit at this edge of urban Maidstone. The policy needs to be modified to make clear this land use will be on that part of the allocation east of Cliff Hill. This would be an appropriate land-use in terms of the relationship of the site to the Loose Valley Landscape of Local Value. These various amendments to site allocation requirements in Policy LPRAS270 are set out in **MM78** and I recommend them so that the plan would be justified and effective.

268. The policy referred to a masterplan framework but given the scale of development, a set of overarching principles for how the site is to come forward need (to be established with the Local Planning Authority) would be a justified and effective approach. As modified the policy contains a confusing blend of references and so I have amended the wording in **MM78** to consistently refer to overarching principles to aid effectiveness.

269. To assist the process of overarching principles and provide further clarity, given the site allocation is effectively a mixed use scheme comprising residential and strategic open space **MM78** would introduce a high-level conceptual diagram. I recommend its inclusion so that the plan would be effective. The key diagram is intended to be a very high-level expression of the broad land use pattern, to essentially distinguish those parts of the site that would be predominantly housing and those for strategic open space. It should not be read as a detailed plan, and it does not negate or over-ride the various detailed requirements in the policy on landscape, ecology, design and layout which will guide the preparation of a masterplan and subsequent planning applications. The allocation will also need to secure biodiversity net gain and this is now reflected as one of the over-arching principles for the site in the proposed **MM78**.

#### *LPRSA362 Maidstone Police Headquarters*

270. The site is allocated for primarily a residential-led scheme of some 247 dwellings with commercial and community uses within retained buildings at the Sutton Road frontage of the site. The frontage buildings have a civic character and make a positive contribution to this part of Sutton Road. As such the submitted policy is justified in seeking their retention. The submitted policy offers some flexibility on future uses for these buildings within the context of securing a mix of uses. In light of latest evidence on the Police retaining some administrative presence on the site, I recommend **MM79** that would reduce the

commercial and community use floorspace requirement in the Policy from 7,500sqm to 5,800sqm so that the Plan is justified.

271. Whilst the site is separately allocated to the adjacent LPRSA270 at Pested Bars Road, there will need to be a strong connection in how these sites come forward for successful place-making. Whilst there is not a need for plan soundness to amalgamate the allocations under one policy or joint masterplan, I do consider it necessary that there is consistency in overarching principles that would apply to both sites to further engender a coherent approach. Accordingly, I recommend **MM74** which would embed similar development principles to this site as for site LPRSA270 for effectiveness.
272. On a more practical level, the Police Headquarters site needs to facilitate vehicular access to site LPRSA270. There is no dispute on this and the evidence to the examination underscores extensive cooperation on this matter. The requirement is clearly set out in the policy for the Police Headquarters site under 'Access and Highways'. In terms of the wider highway network and recognising that the current Police Headquarters site benefits from an access on to the very narrow lane at Pested Bars Road, it needs to be clarified that prior to first occupation, this private access is closed to traffic other than for emergency and police operational vehicles. **MM80** would do this, and I recommend it for effectiveness.

*LPRSA172 Land North of Sutton Road (West of Rumwood Court)*

273. Site LPRSA172, in large part, forms a logical land allocation within the pattern of new housing emerging at this edge of Maidstone. The site has been appropriately assessed through the SA and SLAA processes, recognising there is a distinctive parkland character to the location arising from the proximity of the Grade II Listed Rumwood Court. I am satisfied a sufficient buffer, including existing mature vegetation could be retained between the housing development and the immediate grounds and principal curtilage of Rumwood Court. In this regard the submitted policy is justified in stipulating that a particular approach needs to be taken to developing the site, including a necessary low density that would allow for protected trees on the site to be retained and to conserve the setting of the Listed Rumwood Court.
274. Similar to other proposed site allocations in the Plan, the site allocation policy, when read as a whole, requires a specific approach to developing the site given various constraints, in this case landscape and heritage. As such, the broad outline of the total extent of the allocation may result in misinterpretation of a wider developable area. Accordingly, the Plan as submitted would not be effective and is not sound. A high-level key diagram for the site would provide much needed clarity in identifying a net developable area as well as those parts of the site that should remain undeveloped. **MM82** would introduce a key

diagram and corresponding text to the policy, and I recommend it so that the policy would be justified and effective.

*LPRSA366 Springfield Tower, Royal Engineers Road*

275. The site is appropriately allocated for approximately 150 dwellings. The site would access onto the adjacent A229 via the existing roundabout on the Royal Engineers Road. Transport modelling for the Local Plan shows the key arterial highway network in Maidstone, including the A229 at this location, experiences capacity issues and improvements may be required<sup>57</sup>. Given the site directly adjoins the A229 at this roundabout location, an additional criterion to the policy requiring that the site comes forward in a way which does not preclude the ability to implement highway improvements to the A229 is necessary. Accordingly, I recommend **MM81** for effectiveness.

### **Conclusion on Issue 5**

276. In conclusion, subject to the above-mentioned MMs, the Plan's site-specific policies for housing / mixed-use allocations identified within and around the Maidstone Urban Area would be sound.

## **Issue 6 – Whether the Plan's approach to rural service centres, larger villages, smaller villages and the countryside is justified, effective, positively prepared and consistent with national planning policy?**

### General Approach

277. The Plan identifies six settlements as Rural Service Centres. The approach generally follows that established in the 2017 Local Plan, with Coxheath now being recategorised from a larger village to this tier. The evidence for the rural service centres is comprehensively set out in the Maidstone Settlement Hierarchy Review 2021. In terms of scale, employment and services, Staplehurst performs better than other settlements in the tier. However, the settlement comfortably fits with the role and function of a rural service centre. It would not be necessary for soundness to assign Staplehurst into a potentially higher tier in the settlement hierarchy so as to assign it a specific, higher level of growth as part of this Plan. Overall, the submitted plan is justified and positively prepared at Policy LPRSP6 in its general approach of some additional housing and employment growth and support for services and facilities in the identified rural service centre villages.

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<sup>57</sup> ITS paragraphs 10.25 and 10.26

278. Four settlements are identified as 'Larger Villages' which have comparatively fewer sustainability credentials than rural service centres. Again, this is comprehensively considered and addressed in the Maidstone Settlement Hierarchy Review 2021. The consequence of larger village designation is the assignment of some moderate growth and protection of existing services and facilities. The submitted plan is positively prepared in allocating sites in three of the four larger villages. There is some variance in the scale of allocations being in this Plan but the SLAA and SA evidence appropriately support the site selection process in the larger villages, including those larger sites that can widen housing choice and deliver community infrastructure.

279. As part of the plan-making process, the review of the evidence led to the late inclusion of East Farleigh into the larger village tier. From the evidence in the Maidstone Settlement Hierarchy Review 2021 [LPR1.11], the village justifiably meets the threshold to be identified as a larger village in terms of its facilities and the good connectivity into Maidstone, including by rail. The Council submit that the late identification of East Farleigh as a larger village did not allow for sufficient time to identify and positively allocate sites for development. I accept it would not have been judicious to have delayed plan submission to allocate land at this lower level of the settlement hierarchy. The submitted plan assigns an approximate level of growth to the village (50 dwellings) which would be proportionate to the scale of services and facilities and East Farleigh's sustainable location close to Maidstone. As submitted, I am concerned that simply identifying a quantum of growth would not provide the plan-led approach advocated at NPPF paragraph 15. As such I do not find the submitted Plan to provide an effective or positively prepared approach for East Farleigh.

280. To address this the policy for East Farleigh should clarify that it would be for a Neighbourhood Plan, in the first instance, to allocate land, and accordingly the development would take place in the last 10 years of the period plan (i.e. from 2027/8 onwards). I recognise there is concern that housing could be delayed, but there is no imperative, when looking at the Borough housing trajectory, to deliver a housing allocation in East Farleigh in the early part of the plan period. The proposed modification reflects an appropriate time period for preparing a Neighbourhood Plan. In the event that a Neighbourhood Plan does not come forward in a timely manner to address the issue, then the MM makes clear that it would be a review of the Plan that would address any shortfall. In the circumstances, I consider this a pragmatic approach to ensure the plan would be effective and positively prepared and so I recommend **MM32** accordingly.

281. Additionally, unlike other larger villages, the submitted plan did not contain a settlement boundary for East Farleigh. Again, this omission is not sound given other policies of Plan distinguish between settlements and an otherwise protective approach to the countryside. I recognise that the settlement pattern is somewhat dispersed but there are clearly identifiable concentrations of development south of the River Medway, principally along the B2010 Lower



Road, together with a couple of small satellite clusters around the Primary School and at Forge Lane. These are justified areas around which to apply a settlement boundary and so I recommend **MM33** which would insert a new diagram into the Plan for effectiveness. Additionally, **MM31** would be needed to update the boundaries for 'Larger Villages' in Figure 6.1 and I recommend it for effectiveness. Whilst I cannot recommend changes to the Policies Map, the proposed changes at **MM33** were subject to the schedule of proposed Policies Map modifications.

## Coxheath

282. As a Rural Service Centre, the Plan is justified and consistent with NPPF paragraphs 78 and 79 in seeking to allocate a number of sites in the village with a cumulative capacity for approximately 100 dwellings. This includes taking a justifiably proactive approach in allocating relatively small sites such as land at the former Orchard Centre and the Kent Ambulance HQ site. Submitted Policy LPRSP6(A) sets out the strategic policy for Coxheath. Since plan submission, Site H1(59) has been completed and in order for the plan to be effective in clearly setting out the scale of development over the period of the submitted plan this should be deleted. **MM25** would do this, and I recommend it for effectiveness.

283. The submitted plan allocated a site on Heath Road to the east of the village for approximately 85 dwellings (site LPRSA312). This is the site which had been subject to consultation at Regulation 19 on the proposed submission plan (Autumn 2021). On submission the Borough Council proposed a modification to delete the site and replace it with an alternative site for the same capacity at Stockett Lane/Forstal Lane (site LPRSA202). Whilst there were notable local objections to the submitted plan, that does not mean the proposed allocation is not sound.

284. The submitted site at Heath Road is at the eastern edge of the village and is contained by existing vegetation. It is adjacent to modern housing development on Murdoch Chase, with further housing recently completed to the north-west off Forstal Lane with an intervening area of open space and SUDS. As such development on the Heath Road site would form a logical extension to the built-up area of Coxheath. A significant area of intervening countryside would remain such that the separate identities of Coxheath and Loose would be preserved. Accordingly, in terms of landscape and avoiding harmful coalescence, the submitted site at Heath Road was soundly identified.

285. The submitted site could clearly accommodate more than 85 dwellings, even when taking into account various requirements of the policy, as such the boundary is generously drawn and could unintentionally result in significantly more than 85 dwellings. Consequently, to ensure the site optimally accommodates approximately 85 dwellings and to further maintain separation

between Coxheath and Loose, it would be necessary to moderately scale back the extent of the allocation. An amended site boundary has been formulated, which would appropriately draw the extent of the allocation back from Gordon Court to the north and ensure development would be better related to existing housing to the west on Murdoch Chase. As modified, I am satisfied that the proposed 4.6ha allocated site, can sustainably deliver approximately 85 dwellings (at 30dph would equate to 2.83ha) leaving a residual area of 1.77ha for meaningful open space and landscaping. It is therefore not necessary for soundness to amend the site boundary.

286. To ensure the site allocation policy would be effective, it would be necessary to introduce consequential changes that made clear the site area of the allocation, the net developable area and the average net density. It would also be necessary for effectiveness to clarify the extent of a landscape buffer along the eastern and northern boundaries to address perceptions of coalescence with Loose. Allied to this, modifications are also needed to clarify on-site open space and SUDS provision in addition to the required landscape buffer. There is no justification for the development to be informed by a local historic impact assessment and this requirement should be removed. **MM88** would encompass these changes and I recommend it for effectiveness and to ensure the Plan would be justified.

287. In terms of the releasing land at this edge of Coxheath, the Heath Road site has been appropriately assessed as part of the SLAA and SA processes. It is recognised that mitigation is required at the nearby A229 Linton crossroads to improve junction performance<sup>58</sup>. **MM88** would reflect this, and so I recommend it for effectiveness.

#### Harrietsham

288. The village's role within the hierarchy as a rural service centre has been subject to an independent assessment in the Maidstone Settlement Hierarchy Review (2021). This identifies that Harrietsham has high connectivity by public transport, high levels of employment for a settlement of its size and moderate retail and community facilities. Whilst other rural service centre settlements perform better on facilities, there are sufficient sustainability factors to justify Harrietsham's retention as a rural service centre. Accordingly, Harrietsham's identification as a Rural Service Centre is consistent with paragraphs 78, 79, 92 and 93(e) of the NPPF and, overall, it is soundly based.

289. Submitted Policy LPRSP6(B) sets out the anticipated scale of housing development in the plan period at part 1) of the policy. This needs to be updated to reflect that Site H1(33) has now been completed and consequently the two allocated sites at LPRSA071 and LPRSA101 would together result in

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<sup>58</sup> Scheme HTC1 in the IDP, identified as critical, delivery 2027-2032.

approximately 100 new dwellings over the plan period. **MM26** would do this, and I recommend it so that the Plan would be effective.

290. The selection of the two residential allocations has been appropriately informed by the SLAA and SA. Whilst the Plan would see development directed to one part of the village with consequential changes to the character, the impact would be localised and at a point where a good degree of landscaping and containment exists. The detailed site allocation policies would be effective in ensuring design, layout and landscaping would assimilate the developments into their local context, recognising that Mayfields and Downlands already provide a residential character on this part of the A20. There would be no physical or perceptual coalescence with Lenham, including when taking account of the LBL proposals in the Lenham Neighbourhood Plan.

291. The indicative capacity at the Keilen Manor site needs to be reduced from 47 to 37 dwellings reflecting that large parts of the site are heavily treed, as accounted for when site capacity was modelled in the SLAA. Aligned to this, the policy also needs to clarify that the development capacity of the site would be informed by detailed arboricultural survey work including those trees that need to be retained and protected. **MM90** sets out the necessary modifications to the Policy LPRSA071 and I recommend it so that the proposed allocation is justified and would be effective in protecting the sylvan character in this part of Harrietsham. The amended capacity is reflected in MM26 recommended above.

#### Headcorn

292. Strategic Policy LPRSP6(C) needs to be modified to reflect the scale of recent housing delivery in the village, including the completion of site H1(38). Consequently, the key diagram for Headcorn will also need updating. The Policy should be amended given the proximity of the River Beult SSSI to the south of the village to reflect that development should not have an adverse effect on this important protected riverine habitat. **MM27** would make these necessary changes and I recommend it for effectiveness and consistency with national planning policy at NPPF paragraphs 179 and 180 b).

293. Land at Moat Road to the west of the village is allocated for approximately 110 dwellings at Policy LPRSA310. In spatial terms, the site is well-located, being within walking and cycling distances to the village services and facilities. Whilst the site occupies gently rising land from the wider valley floor of the River Beult and its tributaries, development would occur against a backdrop of existing housing on higher land. Various requirements in the policy would be effective in seeking necessary landscaping and design responses to the local character.

294. The site is adjacent to a tributary of the River Beult. Flood mapping in this location appears to appropriately reflect topographical conditions in only identifying a very small portion of the site within Flood Zones 2 and 3. Given the

size of the allocation there is no need for flood sensitive development such as housing to be located in this corner of the site. Accordingly, the proposed residential element would be in accordance with the required sequential approach to flood risk<sup>59</sup>. Parts of the adjacent Moat Road are within Flood Zone 3 such that in peak events it may be difficult or dangerous for vehicles and pedestrians to use Moat Road to access into Headcorn. Alternative means of access exist to the north of the site onto the A274 Mill Bank. This would assuage, in part, my concerns regarding flooding on Moat Road and the site being, potentially, temporarily isolated via its principal means of access. However, given the flood risk issue and access, the submitted policy is not sound. I therefore recommend the insertion of an additional requirement within the policy that appropriate alternative access for emergency vehicles must be secured. **MM73** would do this, and I recommend it for effectiveness.

295. Moat Road has no continuous footway from the site into Headcorn. The potential exists to secure a footway link to Mill Bank but the more direct, level and attractive route for future occupiers of the allocated site would be along Moat Road. Moat Road is generally narrow between the allocated site and where the footway begins to the east. There is a particular pinch point on the bridge over the tributary stream. For the purposes of plan-making I am satisfied that there remains a reasonable prospect of securing a safe pedestrian route along Moat Road. This may require some compromises to the flow of vehicular traffic on what is generally a rural lane (currently 30mph within Headcorn), including priority measures for pedestrians. For plan soundness, I consider some additional specificity is required to the policy including references to safe off-site pedestrian and cycle connectivity and that it should be provided along Moat Road. **MM73** would do this, and I recommend it for effectiveness.

## Lenham

296. Given the proposals in the made Neighbourhood Plan, there is no need for plan soundness to allocate further sites for housing development in the village. In light of the nutrient neutrality issue for Stodmarsh and the implications in terms of the capacity and ability of the existing WWTW at Lenham (which discharges into the River Stour) it would be necessary to add improvements to waste water treatment capacity to serve the LBL in the 'infrastructure' part of the strategic policy for Lenham. As set out above, the LBL is now embedded in the made Lenham Neighbourhood Plan. This is part of the development plan and a significant local document and so it is necessary that the strategic policy for Lenham in this Plan is modified to have the cross-reference to conformity with the Neighbourhood Plan. **MM28** would introduce these necessary amendments, and I recommend it for effectiveness.

297. A small allocation is proposed to consolidate employment land on Ashford Road to the east of the village, close to the A20. Given the existing commercial

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<sup>59</sup> As per Strategic Flood Risk Assessment – LPR2.17 and LPR2.31

development to the east, the recent housebuilding at Liberty View and remaining land at the H1(41) housing allocation, a short distance to the west, an additional modest amount of employment floorspace would not result in significant harm to the setting of this part of KDNL. Effectively, it would form the final piece of infilling between the Old Ashford Road and the A20 in this part of Lenham. As submitted the policy needs to be clearer on how it should come forward to minimise impact on the setting of the KDNL. This would include clarifications on how the site should be landscaped and the materials palette that would be sympathetic and responsive to the proximity of the KDNL. **MM83** would make the necessary amendments and I recommend it for effectiveness.

## Marden

298. The strategic policy for Marden at LPRSP6(E) needs to be amended to include reference to the conservation of the River Beult SSSI to the north of the village. The key diagram for the village should be modified to remove Site H1(46) which has been completed. **MM29** would make these changes, and I recommend it so that the Plan would be consistent with national planning policy on protecting habitats and otherwise effective.
299. Land is allocated for housing at LPRSA295 on land at Copper Lane and Albion Road. The policy requires vehicular access would be taken from Albion Road and there is no substantiated evidence that this could not be safely achieved. The policy requires safe pedestrian connections from the site and again, there is no reason that this cannot be secured. The site currently comprises orchard, bounded by hedging with ponds on the southern boundary of the site. Given this environmental context it would be necessary to modify the policy to additionally require an ecological impact assessment to ensure appropriate mitigation. **MM71** would do this, and I recommend it for consistency with NPPF paragraph 179 and for effectiveness.

## Staplehurst

300. Various updates are required to the strategic policy for Staplehurst at LPRSP6(F) to reflect ongoing housing delivery. I have amended the wording of the Policy to make clear that the capacity on Site H1(50) would be approximately 60 dwellings. The policy also needs to include reference to the conservation of the River Beult SSSI to the east and north of the village. **MM30** would make these changes and I recommend them so that the plan would be justified and consistent with NPPF paragraph 179.
301. Proposed allocation LPRSA066 would form a logical extension to housing allocation H1(48), infilling land between Jenkins Way and the Lodge Road employment area. It would be an appropriate mixed-use development providing for approximately 78 dwellings and 1,000sqm of employment floorspace on 0.3ha of the wider site. There is some concern as to whether the employment

use is justified but given the proximity of the railway and long-established employment units, the allocation policy provides for a coherent approach to what is a relatively constrained part of the site. The submitted policy should be clear on this and **MM84** would specify that the employment provision is to be in the north-eastern part of the site. Additionally, **MM85** would introduce a high-level key diagram to spatially illustrate how land uses on the site should be accommodated. Accordingly, I recommend these changes for effectiveness.

302. In terms of the residential development given the relationship to commercial activity at Lodge Road the policy needs to be modified to require the provision of appropriate buffers. **MM84** would do this, and I recommend this for effectiveness. The allocation would need to be accessed from Lodge Road which is a traditional employment estate. Given its width, lighting, footways and some on-street parking restrictions I am satisfied that Lodge Road would provide an appropriate means of access to the site allocation. As submitted the policy sought a vehicular connection through the site from Lodge Way to the new housing at Jenkins Way. The delivery of this is uncertain and not necessary to make the allocation acceptable in highways terms. It would therefore not be justified or effective for the policy to require this. **MM84** would remove the requirement and introduce new text requiring development on LPRSA066 to facilitate vehicle and pedestrian connections to the adjacent Jenkins Way housing development, where possible. I recommend this part of the MM so that the Plan would be justified and effective. Finally, in relation to site LPRSA066, the cumulative effect of planned growth on the A229 corridor in Staplehurst means mitigations are likely to be required<sup>60</sup>. The site allocation policy needs to be modified to confirm this and so I recommend **MM85** for effectiveness.

303. For similar reasons, site allocation LPRSA114 will also need modifying to identify mitigation on the A229 in response to cumulative impacts arising from new development. Additionally, site LPRSA114 is in two distinct parcels either side of Pile Lane and the policy refers to parcels A and B. Modifications are needed to policy and a new key diagram to identify the parcels to avoid any potential confusion. **MM86** would cover these various changes and I recommend it so that the plan would be justified and effective. Additionally, **MM87** would also be necessary to modify the key diagram for Staplehurst to identify parcels A and B at site LPRSA114 for plan effectiveness.

### Housing Allocations in Larger Villages

304. A small housing allocation for 9 dwellings is proposed at land southeast of Brickfield Close at Eyhorne Street (Hollingbourne) at Policy LPRSA204. As submitted the policy for the allocation references ensuring the amenity of neighbouring resident's is protected. In achieving well-design places, the NPPF at paragraph 130(f) refers to securing a high standard of amenity for existing users and Policy LPRSP15 of the submitted Plan, setting out the Principles of

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<sup>60</sup> Scheme reference HTS1 in the IDP

Good Design, requires similar at part 5 of the policy. There is no particular site-specific amenity issue. The allocation would form a logical consolidation of the small recent housing development at Brickfield Close. I therefore recommend **MM72** which would remove the amenity requirement from the site allocation policy for effectiveness.

305. Land is allocated at Haven Farm in Sutton Valence for a mixed used development including housing, commercial uses including local retail (there is an existing shop and post office on site) and a site to accommodate a doctor surgery and associated car parking. The evidence in the SLAA demonstrates that an indicative capacity of 100 dwellings would be an appropriate approach. Whilst this would be a significant development for Sutton Valence it would be sustainably located close to the village hall, bus stops and within easy walking distance to the primary school. The principle of the allocation is soundly based.
306. In terms of the detail of the policy, as submitted the site capacity needs to be reduced from 110 to approximately 100 dwellings to align with the SLAA evidence. Additionally, given the mix of uses proposed, the policy needs to be accompanied by a concept diagram to show indicatively how these would be accommodated. **MM64** would do this, and I recommend it so that the policy would be justified, effective and positively prepared.
307. As submitted the diagram for Sutton Valence accompanying submitted Policy LPRSP7(C) does not reflect the full extent of the land needed to accommodate the proposed uses including the land requirement for a new health facility. There is a strong existing landscape framework, and this boundary vegetation would be consolidated by the requirement in the site allocation policy for extensive open space and green infrastructure, including approximately 1ha of new natural woodland. **MM34** and **MM65** would amend the allocation boundary as shown on the Sutton Valence diagram and site allocation inset in the Plan respectively and I recommend them so that the Plan would be effective and positively prepared.
308. The overall strategic policy approach to Yalding in Policy LPRSP7(D) as submitted would not accurately reflect the intended level of growth for the village or adequately recognise the need to protect the River Beult SSSI which flows through the village. It is therefore necessary to update the housing figure to approximately 100 dwellings to reflect the proposed allocation on Kenward Road and remove reference to H1(65) at The Glebe which has been completed. It is also necessary to be clear regarding protection of the River Beult SSSI. To ensure the Plan would be effective and positively prepared I recommend **MM35** which incorporates the above amendments.
309. The Plan proposes a single allocation of circa 100 dwellings on land at Kenward Road in Yalding. As submitted the allocation is described as 'North of Kenward

Road' but the full extent of the allocation as shown on the Policies Map is both north and south of the highway, creating concerns that housing could take place on the more sensitive area of land south of Kenward Road. As such I consider the policy as submitted to be ineffective and therefore not sound.

310. To address this, additional specificity is required in the Plan to distinguish between land north and south of Kenward Road and to clarify respective roles for what are two distinct parcels of land. Accordingly, land to the north of Kenward Road should be clearly identified as Area A and would principally accommodate the proposed housing. Land south of Kenward Road should be identified as Area B and this would accommodate supporting infrastructure for the housing compatible with the open valley floor character of the land, such as open space, SUDS and improved connectivity along Kenward Road. **MM35** would make this necessary distinction clear in the strategic policy for Yalding and on the accompanying diagram for the village in the Plan. **MM89** would provide clarificatory consistency on this point in the site allocation policy. I recommend both of these MMs for plan effectiveness.
311. It would also be necessary to incorporate amendments to identify that landscaping would be an integral aspect of the Area A site for housing both around its boundary and within the development itself. This is necessary in response to the site occupying rising land on the river valley side. There is no justification for the development to be informed by a local historic impact assessment and this element of the policy should be removed. To make the site allocation policy justified and effective, the proposed specificity on the amounts of different types of open space to be provided on Area B should be removed and replaced with an aggregate figure (proposed as 4.9ha) with a new requirement that the precise public open space and green infrastructure details would be agreed through an open space strategy in collaboration with the Borough Council and Parish Council as part of a single masterplan for the whole site (areas A and B). **MM89** would make these changes to the site allocation policy (LPRSA248), and I recommend them so that the Plan would be justified and effective. I have slightly amended the wording of MM89 for internal consistency within the policy to confirm that the average density of development would be approximately 30 dwellings per hectare.
312. As identified in the MM consultation, the policy refers to flood risk/drainage in error that clearly relates to another proposed allocation. I have recommended deleting this in the attached appendix and consider no one would be prejudiced by my doing so.

#### Smaller Villages and Countryside

313. 12 settlements are identified as smaller villages under strategic policy LPRSP8. There will always be debates around settlement categorisation but overall, the



plan-making has taken a reasonable approach in identifying smaller villages for the purposes of this policy<sup>61</sup>. Policy LPRSP8 takes a reasonably positive approach for locations where sustainability credentials are limited. In addition to the modest housing site allocation at Campfield Farm in Boughton Monchelsea (Site LPRSA360), the Plan makes positive housing allowances for the other 11 smaller villages. This approach is consistent with NPPF paragraph 78.

314. The smaller villages are split into two levels at 35 dwellings and 25 dwellings to appropriately distinguish between settlement size and capacity to sustainably accommodate modest growth. To reflect the sustainability credentials of the settlements it would be necessary to amend the policy to assign Ulcombe to the 25 dwellings tier and to move Chart Sutton into the 35 dwellings category. **MM36** would do this, and I recommend it so the Plan would be justified and effective. Given the positive allocation of land at Boughton Monchelsea, the settlement is not identified for additional housing growth which would be justified but Policy LPRSP8 should reference the allocation at Campfield Farm and **MM36** would do this, ensuring the Plan would be effective in this regard.
315. Given there has been a steady supply of windfall developments across the rural parishes of the Borough, the submitted plan would be in accordance with NPPF paragraph 68 in assigning the growth in Policy LPRSP8 as 'broad location' development for the latter part of the plan period. This would enable local communities to shape and guide this growth through Neighbourhood Plans, or where that does not occur, the Borough Council may wish to revisit the matter in a subsequent review of the Plan. To reflect this, Policy LPRSP8 would need to be modified to make clear the limited housing growth figures in the policy are to be "plan-led" and not a target to be fulfilled through windfall developments. This would be consistent with NPPF paragraphs 70 and 79. **MM36** would make the necessary change and I recommend it so that the Plan is positively prepared and effective. In addition to the positively identified housing figures in part 2 of the policy, part 3 would allow for additional small-scale housing development in these villages subject to criteria. Again, **MM36** would clarify this, and I recommend the additional text for effectiveness.
316. Policy LPRHOU1 provides a positive policy for supporting housing development on previously developed land. As submitted the policy support does not extend to such sites in smaller villages. Given named smaller villages are identified in the settlement hierarchy and Policy LPRSP8 anticipates some windfall development in these villages, I find LPRHOU1 as submitted would not be sound in its potentially restrictive approach. **MM91** would resolve this by clarifying that housing on previously developed land in named settlements of the hierarchy would be supported subject to reasonable criteria, and only in very

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<sup>61</sup> The Settlement Hierarchy Study Review [LPR1.11] and Settlement Annex [LPR1.12]

limited circumstances would housing be allowed on previously developed land in the countryside. I recommend the proposed change for effectiveness.

317. As part of achieving a sustainable pattern of development, additional housing in the countryside, outside of the identified settlement hierarchy must be carefully managed. This would be consistent with NPPF paragraphs 79 and 80. There may be a need for types of housing for different groups in the community, for example, those wishing to self-build, but the countryside, including smaller hamlets, should not be a starting point to locate such development. **MM95** would introduce helpful clarificatory text in this regard to aid implementation of Policy LPRHOU9 (the policy on Self-Build and Custom Housebuilding) and I recommend it for effectiveness.

318. In terms of the character of the countryside the submitted plan at Strategic Policy LPRSP9 is consistent with national planning policy at paragraphs 80, 84 and 176. The submitted plan, justifiably focuses on potential impacts on the KDNL, which is a designated area within the Borough. I also consider it necessary that further content is added to the effect that proposals that would impact on the setting of the High Weald should have regard to the latest Management Plan and its supporting evidence and guidance. **MM37** would do this, and I recommend it for effectiveness and consistency with NPPF paragraph 174.

319. The first criterion of Policy LPRSP9 would resist development that would result in harm to the rural character and appearance of the area. Most development results in change, which can often be perceived as harmful or may indeed result in a degree of harm (possibly quite small in scale). As worded, I am concerned the policy, if implemented zealously, could frustrate development that could be, on a reasonable balance, considered sustainable. I therefore recommend that the word "significant" be added as a qualification to this criterion of the policy to enable decision-makers to undertake a more appropriate balancing exercise. **MM38** would do this, and I recommend it for effectiveness. I have also added a reference to the High Weald Area of Natural Beauty Management Plan within **MM38**, for consistency with **MM37**.

#### Ancillary matters in respect of Site Allocations

320. The Plan sets out at Table 8.2 a helpful summary of the proposed site allocations in the Plan (excluding the strategic sites). As a consequence of the various MMs to the site allocation policies, Table 8.2 would require updating. **MM63** would do this, and I recommend it to ensure the plan would be positively prepared and effective.

## **Conclusion on Issue 6**

321. In conclusion, subject to the above-mentioned MMs, the Plan's approach to rural service centres, larger villages, smaller villages and the countryside would be justified, effective, positively prepared and consistent with national planning policy.

## **Issue 7 – Whether the Plan would provide a policy framework for maintaining housing supply and delivery, including a mix of housing needed for different groups in the community that would be effective, justified, positively prepared and consistent with national planning policy?**

### Maintaining Supply and Delivery

322. Through the SLAA and ongoing monitoring processes, the Council has appropriately profiled much of its deliverable and developable supply of housing. This includes constructive and appropriate engagement with site promoters and developers<sup>62</sup>. The timing of some site delivery now needs to be adjusted, particularly to allow for suitable lead-in times for first delivery at the new garden communities. The capacity of some site allocations in the Maidstone urban area needs to be amended to reflect more realistic figures. Overall, the various adjustments made during the examination process, have been presented in the comprehensive housing trajectory delivery paper in November 2022 and subsequent summary updates prior to and following the Stage 2 hearings in June 2023.

323. The housing land supply, in terms of the pipeline of existing commitments and proposed allocations, has been appropriately profiled to the NPPF definitions of deliverable and developable. Whilst there has been focus in the examination on the garden community developments, it is positive that the Plan has, additionally, allocated a notable number of small, medium and larger housing sites (amounting to a capacity of 3,308 dwellings). This would be in addition to the extant supply and proposals in the Lenham Neighbourhood Plan.

324. At least 10% of the housing requirement will come forward on sites of no more than 1 hectare in accordance with NPPF paragraph 69(a). This is clearly demonstrated in the Housing Delivery and Land Supply Topic Paper. An allowance is made for both small and large site windfalls as part of the anticipated supply. In accordance with NPPF paragraph 71 compelling evidence for this is set out in the Housing Land Supply Update Analysis Paper (April 2021). This draws upon 13 years' worth of monitoring housing delivery

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<sup>62</sup> ED66 Appendix 3 (November 2022) – Individual Site Delivery Confirmations

including on unallocated sites, applying a detailed methodology<sup>63</sup> which I consider to be soundly based.

325. The allowance of 113 units per annum on smaller sites is cautious given past higher windfall rates, providing confidence that the trajectory is not based on overly optimistic inputs. The housing trajectory makes no allowance for windfalls until 2026/27, which would be suitably prudent given the scale of extant planning permissions already accounted for.
326. The separate allowance for large windfall sites is also justified. No allowance is made in the trajectory from this source until 2028/9 and then at a modest 90dpa before stepping up to 181dpa from 2033/34. The allowance reflects the potential for further supply through permitted development rights (conversions to residential) and policies in the Plan that allow for older persons accommodation on unallocated sites in sustainable locations.
327. As submitted the plan contained a housing trajectory target that would reflect higher delivery in years 1-5 before stepping down to a consistent target of just over 1,000 dwellings per annum over the remainder of the plan period. An immediate step-up in housing delivery from the 883dpa to deliver consistently against the 1,157dpa would be challenging and may result in a relatively fragile five year deliverable supply. Whilst there has been very strong recent housing delivery in the Borough (a benefit of the 2017 Local Plan) that will likely now abate until allocations in this Plan start to deliver in significant numbers. Whilst there are encouraging signs that some of the allocations are already progressing the overall supply picture means it would only take a small number of key sites to falter before potential outcomes arise contrary to the plan-led approach which the Council is seeking to maintain through this Plan.
328. Accordingly, I do not consider the submitted housing trajectory to be justified. MMs are needed to reflect revised site trajectories and to ensure the trajectory strikes a strong balance between stepping up to meet the significantly higher housing need and ensuring a plan-led approach in accordance with the spatial strategy. In my assessment, the spatial strategy, including two major new garden settlements in the medium to long term to deliver a sustainable pattern of development, means the very circumstances in the PPG<sup>64</sup> which would justify the use of a stepped housing trajectory are engaged.
329. There is evidence that the Council has historically taken a cautious approach to assessing site capacities, and delivery rates. This is shown in recent levels of significant delivery in excess of identified housing need. However, this cannot be relied upon to assume that the housing land supply position would remain positive against a higher housing requirement in the early parts of the plan

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<sup>63</sup> ED31, Paragraphs 4.41 to 4.49

<sup>64</sup> PPG Paragraph 68-021-20190722, Housing Land Supply & Delivery

period. The evidence on delivery does, however, support the application of a 3% non-implementation rate based on local monitoring as opposed to a more cautious 5% figure that has previously been applied. Even when taking into account these considerations, a stepped trajectory is therefore necessary for plan soundness.

330. In maintaining housing delivery, I also consider it will be necessary for soundness to include a new Policy 'LPRSP10 Housing Delivery'. The policy would reaffirm the overall housing requirement over the plan period being a minimum 19,669 homes. It would also set out an updated stepped housing trajectory which after an initial year of 1,157dpa, would moderately step down to 1,000 dpa over years 2-6, before stepping up to 1,150dpa in years 7-12 and then stepping up again to circa 1,350 dwellings in the latter parts of the plan period. This trajectory would appropriately reflect the supply evidence in the Borough, including the lead-in times on delivery on the larger strategic sites. It would also represent a significant increase from the 2017 Local Plan whilst simultaneously ensuring a five-year deliverable supply can be maintained both in terms of the five-year period on plan adoption but in the immediate years beyond. In this way the modified housing trajectory would be sound. The modified trajectory would be reflected in the new Policy LPRSP10 as part of **MM39**, but I also recommend **MM106** which replace the submitted housing trajectory at Appendix 1 to the Plan.
331. The new LPRSP10 policy would set out how delivery would be maintained were matters to unexpectedly worsen and a five year deliverable supply could no longer be demonstrated. This includes a set of parameters where additional residential development could be supported in principle. Ultimately, the new policy includes content that if housing delivery becomes negatively adrift from the trajectory and this is sustained over two subsequent monitoring years then a full or partial plan review would be triggered as the principal remedial action.
332. As set out above in respect of Policy LPRSP8 (smaller villages) and in the case of East Farleigh as a larger village, there is a specific role for Neighbourhood Plans as part of the development plan in tandem with the Local Plan, to boost housing supply. As a strategic policy, LPRSP10, would apply for the test of basic conditions for Neighbourhood Plan making in terms of general conformity<sup>65</sup>. The proposed content of new strategic policy LPRSP10 would reinforce the link from the Local Plan Review to this local tier of plan-making, in terms of requiring continuity of housing allocations and to deliver the housing requirements set out in this plan. Further supporting text to this part of LPRSP10 would clarify what would be required in designated neighbourhood areas.

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<sup>65</sup> NPPF paragraphs 13 and 29

333. For these reasons the new strategic policy on housing delivery would be necessary for the Plan to be justified, effective and positively prepared. It would also be consistent with national planning policy at NPPF paragraph 66 in terms of establishing a housing requirement figure and how that can be met over the plan period. Additionally, the new sections on Designated Neighbourhood Areas are also necessary for consistency with NPPF paragraphs 66 and 67. For these reasons I therefore recommend **MM39**.

334. In conclusion on housing land supply, against the revised stepped housing trajectory there would be a deliverable supply of 5,510 dwellings against a requirement of 4,716<sup>66</sup>. The requirement has been adjusted to account for over-delivery in the first two years of the plan period and the application of a 5% buffer for choice and competition. Two thirds of the deliverable supply would come from extant permissions (applying a 3% non-implementation rate), with allocated non-strategic sites in the Plan accounting for 29% of deliverable supply from year 3 onwards. Whilst I have not been asked to confirm a deliverable supply as per NPPF paragraph 74b), it is nonetheless the case that a deliverable housing land supply equivalent to 5.8 years could be demonstrated at the end of the examination. On this basis the Plan would be consistent with NPPF paragraph 68 and the overall objective to significantly boost the supply of housing.

335. Cumulatively, over the whole housing trajectory a small shortfall of 279 dwellings would arise in the last year of the plan period (2037/38). Given the housing requirement has increased significantly from 17,746 dwellings on plan submission to a modified figure of 19,669 dwellings the scale and timing of this shortfall is not critical to overall plan soundness.

## Housing Mix

336. The SHMA includes, amongst other things, an assessment of the size, type and tenure of housing needed for different groups in the community in line with NPPF paragraph 62. Policy LPRSP10(A) provides the foundations for securing an appropriate mix of housing, both in terms of the relevant development management policies but also in setting strategic policy content for neighbourhood plans. As submitted the policy identifies that 'large development schemes' will be expected to give consideration to providing custom and self-build plots. There is no ready definition of 'large development' and so I recommend the policy is modified to reference 'major developments' which is a defined<sup>67</sup> threshold. **MM40** would do this, and I recommend it for effectiveness.

337. The evidence indicates a relatively modest demand for self-build housing in the Borough, but Policy LPRHOU9 would provide a positive framework for custom

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<sup>66</sup> ED119 Update to Housing Trajectory and Deliverability July 2023

<sup>67</sup> Town & Country Planning (Development Management Procedure) (England) Order 2015

and self-build housing proposals. It covers both individual applications and also scenarios where serviced plots have been provided as part of major developments in accordance with LPRSP10(A). As submitted, Policy LPRHOU9 would allow for the reversion of plots where marketing, including to those on the Council's Self-Build and Custom Housebuilding Register, has not found a buyer. A period of 24 months marketing is required but there is little justification for such an extensive period, which is likely to prove financially punitive to developers needing to seek a return on the investment of bringing the wider site forward. As such a reduced marketing period of 12 months would be reasonable and provide a suitably fair opportunity if the demand for self-build plots exists. **MM97** would introduce this change and I recommend it accordingly.

338. Policy LPRHOU2 provides a framework for assessing proposals for residential extensions, annexes and redevelopments within built-up areas. The policy contains a more considered approach to proposals in the "countryside and undefined settlements". In terms of consistency within the Plan, settlements in top 6 tiers of the settlement hierarchy are identified and named such that anywhere else for the purposes of the plan and planning policy is countryside. As such the term "undefined settlements" could be confusing and so I recommend **MM92**, which would delete the reference, for effectiveness.
339. Consistent with an aging population, the SHMA identifies a significant need for specialist housing for older persons. This includes retirement or sheltered housing providing an element of support, which is likely to be within use class C3 and enhanced or extra care provision, typically within use class C2. Given the emphasis in the PPG<sup>68</sup>, which describes providing housing for older people is critical, it would be necessary for effectiveness and positive preparation that the Plan sets out more clearly the evidence from the SHMA on the level and types of older persons housing needed to assist decision-makers. **MM93** would do this, and I recommend it accordingly.
340. Policy LPRHOU7 would provide for a generally positive policy approach to assessing proposals for specialist older persons households. As submitted, the policy, would support older persons adjacent to the Maidstone urban area, the rural service centres and larger villages. Given that a limited number of smaller villages are identified in the settlement hierarchy, with some sustainability credentials, the Policy should be amended to allow for older person provision adjacent to the identified settlement boundaries in the plan subject to the criteria in the policy. This would provide for some limited further opportunities to deliver a critically needed type of accommodation that can otherwise be challenging to accommodate within existing built-up areas. **MM94** would introduce the

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<sup>68</sup> PPG paragraph 63-001-20190626

increased scope to deliver older persons housing, resulting in a more positively prepared and effective policy.

### *Affordable Housing*

341. There is a significant need for affordable Housing, with the SHMA identifying a net need for 8,385 affordable homes over the period 2022-2037. The SHMA further advises that the tenure split should be 75% for affordable renting and 25% for affordable homeownership products. Viability testing of the plan has confirmed that different levels of affordable housing can be delivered through new development according to a combination of geographical location and land type. The supporting text to the policy needs to be modified to clarify a low value zone has been identified encompassing the town centre and some of the surrounding inner urban area in the town, where it is often unviable to deliver affordable housing but not conclusively. **MM41** would make the necessary changes to the context for the affordable housing policy, and I recommend it so that the plan would be justified.
342. Following the consultation on the proposed MMs I consider additional text is necessary in support of Policy LPRSP10(B) to clarify that it would be through an open-book process that the principle and value of any off-site financial contributions for affordable housing would be determined. As such I have modified **MM41**. It would provide for internal consistency with LPRSP13 and so I consider no one would be prejudiced by this additional change.
343. Strategic Policy LPRSP10(B) on affordable housing as submitted would not be effective on its approach to affordable housing in the low value zone and on brownfield development in the mid value zone, in terms of starting from the negative of not normally expecting affordable housing to be delivered. There is evidence of a strong need for affordable housing, viability being only marginal and recent examples of housing developments in the low value zone delivering some affordable housing. Modifications are therefore needed to specify that the starting point in such locations will be an expectation that an element of on-site affordable housing could be delivered in the low value zone and on brownfield sites in the mid value zone. Where this is not feasible a proportionate off-site contribution would be secured, subject to viability testing.
344. It is also necessary to modify the affordable housing policy to delete the indicative target of 25% First Homes, and to replace this with intermediate or affordable home ownership, of which First Homes would be an element. Consequently, it would also be necessary to insert new text into the policy to set out the requirements in those cases where 25% First Home provision would not be adequate to meet the minimum 10% affordable home ownership.



345. It is not necessary to specify in the policy that affordable housing will be required to meet optional technical standard M4(2) on accessibility as this is set out in Policy LPRQ&D6, which applies the M4(2) standard to all new dwellings. Finally, it would be necessary to clarify the value zones, rather than broad geographical areas, where affordable housing would be required on C3 retirement housing. This would allow for internal consistency within the policy and by reference to the viability assessment evidence underpinning the plan. It is also necessary to specify in the policy that affordable housing will not be expected on C2 residential care homes and nursing homes. All of these modifications are presented in **MM42** which I recommend so that the policy would be justified, consistent with national planning policy and effective.

### *Gypsies and Travellers*

346. A new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSSA) was under preparation at the time of Plan submission, having been delayed by the Covid-19 pandemic. The submitted Plan recognised that the GTTSSA, when finalised, would be likely to identify a significant need for additional pitches. The approach on Plan submission was the commitment to prepare a separate Gypsy, Traveller and Travelling Showpeople Development Plan Document (the GTTSDPD) and a policy framework in the submitted plan at LPRSP10(C) to continue to allocate extant Gypsy and Traveller Site allocations. Submitted Policy LPRSP10(C) also commits to the production of the GTTSDPD. In addition, the Plan contains Policy LPRHOU8 which provides a development management policy for determining individual planning proposals.
347. NPPF paragraph 62 requires that the housing needs of different groups in the community should be assessed and reflecting in planning policies, including travellers. The NPPF cross-refers to the Planning Policy for Traveller Sites (PPTS) which provides further national planning policy. The GTTSSA has been a substantial piece of work including a sizeable number of interviews. The final outputs were delivered during the examination, firstly as interim draft outputs in January 2023 [ED76] and a final version in September 2023 [ED130].
348. Overall, the GTTSSA has identified a need for 340 pitches over the period 2023 to 2040 for those who met the previous 'planning definition' in the PPTS. In addition, there is a need for 122 pitches for undetermined households over the same period and 67 pitches for households that did not meet the previous 'planning definition' in the PPTS. This results in a cumulative need for 529 pitches. Most of that need is required to be met within the first five years. The GTTSSA also identifies a need for 7 plots for travelling showpeople.
349. The up-to-date need figures have only been established at a very late stage of the plan-making process. I do not consider it prudent or necessary for plan

soundness that adoption of the Plan is delayed further to fully address this matter. I come to this view based on two considerations.

350. Firstly, addressing the scale of need will take time. It will involve careful consideration of existing sites and the extent to which provision can be optimised on these sites through intensification and expansion before identifying new sites that would need to be allocated. In this regard the Borough Council is already preparing the GTTSDPD in accordance with the Local Development Scheme. There have already been three calls for sites as well as a Regulation 18 consultation on this document. I am assured by the work already undertaken that the Borough Council is committed to the GTTSDPD as a plan-led approach to meet needs.
351. Secondly, the reallocated provision within the Plan through Policy LPRSP10(C) would provide for around 22 net pitches. I recognise this is relatively modest, but it provides some potential supply in the interim before the GTTSDPD is adopted. Additionally, Policy LPRHOU8, in accordance with the PPTS, would provide an up-to-date policy for assessing individual proposals, including pitches for undetermined households.
352. At this stage, for consistency with NPPF paragraph 60, the outputs of the GTTSSA need to be reflected in the Plan to provide necessary strategic context for the finalisation of the GTTSDPD in accordance with the Local Development Scheme. Accordingly, additional content would be required to Policy LPRSS1 (the Spatial Strategy) to confirm that the accommodation needs of the gypsy, traveller and travelling showpeople community will seek to be met in full and the commitment to take forward the GTTSDPD. Additionally, it would also be necessary to set out the key findings from the latest evidence from the GTTSSA with the necessary caveats that it remains the role of the GTTSDPD to determine the precise number of additional pitches that are needed on new site allocations. I have amended the wording of MM8 to clarify that reference to a 'planning definition' of gypsies and travellers stems from the 2015 Planning Policy for Traveller Sites and is now a 'previous' definition. I do not consider this affects the substance of the proposed modification as the GTTSDPD will need to be consistent with the latest PPTS. Accordingly, I recommend both the relevant part of **MM7** and the amended **MM8** so that the Plan would be positively prepared and consistent with NPPF paragraph 60 and the PPTS.
353. In respect of Policy LPRHOU8, **MM96** would remove criterion ii) of the submitted policy requiring compliance with the planning definition in the 2015 PPTS. This is necessary to avoid unlawful discrimination but also consistency with latest national planning policy, foreshadowing the recent change to the PPTS in December 2023.

## Conclusion on Issue 7

354. In conclusion, subject to the above-mentioned MMs, the Plan would provide an effective and positively prepared policy framework for maintaining supply and delivery, including a mix of housing needed for different groups in the community consistent with national planning policy.

## Issue 8 – Whether the Plan's policies for transport and Infrastructure are justified, effective and consistent with national planning policy.

### Transport

355. Policy LPRSP12 sets out the strategic approach on sustainable transport. Whilst the Plan is accompanied by a proportionate amount of modelling work to understand potential impacts of the Plan on the highway network, as raised elsewhere in this report, the DfT Circular 01/22 will impact on the need and timing for highway mitigations. In moving away from the approach of 'predict and provide' to one of 'Vision and Validate' through a monitor and manage approach, the aim is not to unsustainably over-provide additional highway capacity at an early stage of developments, potentially undermining other efforts to promote modal shift.
356. The policy appropriately recognises that highway network capacity needs to be improved and it will be for the IDP to outline what schemes will be necessary and when they need to be delivered. The IDP has been updated during the examination process to reflect the ongoing evidence base. The final part of Policy LPRSP12 provides the necessary reference to the status and role of the IDP. Importantly, **MM54** would insert the new approach of the 'Vision and Validate' principles from DfT Circular 01/22 and require proposals to set out a monitor and manage strategy for each site covering all modes of transport. This modification is necessary to give impetus to the need to plan for ambitious but realistic modal shift and travel behaviour changes at the outset. I therefore recommend the modification to reflect the Circular for effectiveness.
357. Transport modelling work to date, and dialogue with National Highways and KCC has identified the need for various strategic and local highway infrastructure improvements within and close to the Borough that would be required to support the Plan's growth. These are identified at paragraph 7.82 of the Plan. This paragraph, however, needs to be modified to reflect the new approach sought by DfT Circular 01/22 described above. It also needs to be modified to ensure consistency with the IDP and ITS and therefore expanded to include reference specific highway schemes. **MM51** would make these various changes to the paragraph, and they are recommended for consistency with national policy and effectiveness. I have also added M2 Junction 3 and M20 Junction 8 capacity improvements as part of **MM51** as these are identified

elsewhere in the Plan. There may well be other highway infrastructure required to support the Plan's proposals and so I have amended the wording of MM51 to make clear the list at paragraph 7.82 is not closed.

358. The submitted Plan can only set out what is likely to be required for the highway network, as a consequence of the Plan's proposals, based on the evidence at the time. Travel demands and behaviour can change and so it is important that the Plan is seen in the context of the IDP and ITS. Various MMs are needed to reinforce that the ITS and IDP work exists parallel to the Plan in order to appropriately manage the transport implications of development as it comes forward, including any cumulative impacts. This would be reflected in new plan content in the Plan as set out in **MM50** and **MM52** and I recommend both for consistency with national policy and for effectiveness.
359. On submission the plan contained Policy LPRTRA3 supporting park and ride services in Maidstone, the protection of two existing sites and support for further opportunities. The service ceased in early 2022 and so it is no longer justified to retain the policy and so I recommend its deletion as set out in **MM102** so that the plan would be justified and effective. For the same reasons **MM53** would also be necessary in deleting text relating to park and ride in the context of strategic policy LPRSP12.
360. Policy LPRTRA4 sets out parking standards for all types of development. The submitted policy set out detailed standards for electric vehicle charging points. Matters have now been superseded by Part S of the Building Regulations, which will apply to new residential developments. As such it would no longer be justified or effective to pursue separate standards for residential development in Policy LPRTRA4. **MM103** would delete the relevant part of the policy and I recommend it accordingly.

## Infrastructure

361. Plan preparation has been accompanied by a comprehensive IDP, which has been periodically amended to reflect the iterative nature of infrastructure planning. The IDP has been updated following the examination hearings and prior to consultation on the MMs. The IDP reflects a significant number of infrastructure projects necessary to support sustainable growth in the Borough over the plan period. There remain some differences over specific costs for certain infrastructure projects and a desire to see additional specificity and precision on when infrastructure is likely to come forward. The IDP provides a fair and reasonable assessment of infrastructure requirements and is clearly informed by evidence and dialogue with key infrastructure providers.
362. Some details will change with time and are necessarily provisional, such that it would be unreasonable to require absolute precision and detail. Overall, the IDP provides a reasonable picture of the infrastructure requirements, costs (where

they are known) and timescales and potential funding sources and shortfalls. Funding shortfalls or gaps are not uncommon. That would be part of the justification for pursuing an infrastructure levy and potentially securing other sources of funding that can be applied for to implement sustainable growth.

363. The IDP relates to the infrastructure requirements and phasing on site allocations, particularly for the strategic development sites, reflected in a number of MMs set out above. These sites will be subject to further infrastructure planning alongside SPD and masterplanning work including bespoke infrastructure funding agreements as required by the site policies.
364. Policy LPRSP13 sets out the strategic approach for infrastructure delivery including infrastructure priorities for residential and commercial developments and the mechanisms and approaches that will be used to secure infrastructure, either directly on site or through financial contributions for off-site provision. The policy identifies planning obligations and the Council's continued use of the Community Infrastructure Levy. For completeness, the policy also needs to refer to the use of S278 agreements for highways works. **MM56** would do this, and I recommend it for effectiveness.
365. Policy LPRINF2 seeks to ensure adequate accessibility to community facilities through new provision and seeking to resist the loss of existing facilities. The policy is intended to apply to recreational facilities but is not particularly clear on this. Accordingly, additional content to the policy referencing existing open space, sports and recreation assets is required, having regard to NPPF paragraphs 93c) and 99. This is set out in **MM104**, which I recommend for consistency with national planning policy and for effectiveness.

### **Conclusion on Issue 8**

366. In conclusion, subject to the above-mentioned MMs, the Plan's policies for transport and Infrastructure would be justified, effective and consistent with national planning policy.

### **Issue 9 – Whether the plan's policies for the natural environment, heritage and climate change are justified, effective and consistent with national planning policy.**

#### Natural Environment

367. Strategic Policy LPRSP14A provides the over-arching policy on natural environment. It provides an appropriate framework for the protection and enhancement of the natural environment, including specific requirements in relation to protected habitats, compliant with the relevant Regulations.

368. The policy sets a requirement for a minimum 20% biodiversity net gain (BNG). Whilst the national BNG requirement is set at a minimum 10%, there is nothing in the NPPF 2021 or the Environment Act 2021 to suppress local authorities seeking more ambitious minimum targets through Local Plans provided it is justified. The environmental baseline in the SA confirms that Kent has not met its 2010 Biodiversity targets, and is unlikely to have met 2020 targets, and this is set to decline further without targeted interventions. In this regard I was referred to the collaborative approach being taken across Kent, including through the Kent Nature Partnership<sup>69</sup> and from Kent Wildlife Trust that is seeking a minimum 20% BNG in Local Plan policies. This would also align with widespread representations at earlier stages of Plan preparation for a stronger policy framework for biodiversity, as set out in the Environment Topic Paper.
369. At a more local level, seeking a 20% BNG would clearly align with the objectives and ambitions set out in the Council's Climate Change and Biodiversity Strategy and Action Plan. This includes a number of actions for the Borough Council including implementing a Biodiversity Strategy and a Nature Recovery Strategy and working with others to deliver landscape scale biodiversity initiatives. The minimum 20%, measured against the latest metric, is strongly supported by Natural England and KCC, amongst others. SA has also taken account of 20% BNG, both as part of Policy LPRSP14(A) and in the strategic policies for Heathlands<sup>70</sup> and Lidsing, which has informed an assessment that it can be anticipated to have positive effects in mitigating the effects of development.
370. On site provision is shown to be viable for development as demonstrated in the plan-wide viability assessment as part of an appropriate consideration of policy costs. The modified policy would allow for off-site provision, which may give rise to some potential viability considerations. As such, and following consultation on the MMs, I have inserted additional text to **MM58** to clarify that where 20% BNG is not viable, in combination with other policy costs in the plan, then the statutory minimum BNG (at least 10%) would be required. I do not consider this additional change alters the substance of the policy and would be consistent with Policy LPRSP13 in regards of wider development viability and so I recommend it for effectiveness.
371. An amendment is needed to the policy to delete the reference to BNG being "on site" as other mechanisms, such as conservation covenants or contributions towards off-site provision, may be appropriate, particularly on smaller developments. **MM58** would address this and with its recommendation I find the over-arching approach of a minimum 20% BNG would be sound.

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<sup>69</sup> In delivering the Kent Biodiversity Strategy (2020-2045)

<sup>70</sup> Deliverability for Heathlands further assessed in LPR1.84

372. There is concern that the policy lacks sufficient detail on how 20% BNG could be implemented, such that the requirement is not justified, or that additional guidance should be provided to make the policy effective. In this regard the Council is preparing a separate Design and Sustainability Development Plan Document (DPD) which the latest Local Development Scheme confirms will cover matters in relation to biodiversity. Consequently, I recommend that part of **MM58** which would insert new text setting out that this DPD will provide further detail in support of the implementation of Part 1 of Policy LPRSP14(A).
373. Following the consultation on proposed MMs I am also recommending that Local Biodiversity Action Plan priority species be added to the policy as part of **MM58** for consistency with NPPF paragraph 179b).
374. The impact of policies and proposals in the Plan on the site integrity of the North Downs Woodland SAC as consequence of air pollution has been a particular matter during plan preparation and this examination. Whilst the issue is principally seen as being related to the Lidsing proposal it remains justified that Policy LPRSP14A sets out a strategic approach to mitigation, given that other developments resulting in a material impact on air quality (increase in traffic on roads within 200 metres of the SAC) are likely to need to carry out an appropriate assessment under the Habitats Regulations. The issue becomes more pronounced were the Lidsing proposal and its proposed mitigation to be significantly delayed or not taken forward. Accordingly, and having regard to the outcomes of HRA (including AA), I recommend the new section within Policy LPRSP14A and additional supporting text in **MM58** to ensure a suitably precautionary approach and no adverse effect on site integrity.
375. Development at Heathlands and Lenham Broad Location are the two principal strategic developments in the Plan within the catchment of the River Stour, where increases in nitrogen and phosphorus would adversely affect site integrity of the Stodmarsh SPA, SAC and Ramsar site downstream. Policy LPRSP14A would apply to both of these developments as well as any other development which would result in a net increase in population served by waste water infrastructure in the Stour catchment. On this matter I therefore recommend **MM57** in terms of adding additional clarity to supporting text to the Policy for plan effectiveness and consistency with national planning policy. I also recommend the part of **MM58** would additionally reference 'principal aquifers' in terms of the water environment to be protected.
376. Local Wildlife Sites have a valuable role in protecting and enhancing biodiversity and so their omission from the sites to be enhanced, extended and connected in Policy LPRSP14A means the plan would not be effective in terms of conserving and enhancing the natural environment. Consequently, I recommend their identification within the policy as part of **MM58**. I also recommend that part of **MM58** which would identify 'Landscapes of Local Value' as part of the natural environment consistent with NPPF paragraph 174a. Finally, in relation to Policy

LPRSP14(A) I also recommend those parts of **MM58** which would introduce new criteria 9 and 10 to the policy. These additional criteria would address the need to protect and enhance soils and require the provision of Sustainable Urban Drainage systems (SUDS), consistent with NPPF paragraph 174a and paragraph 169 respectively.

## Heritage

377. Policy LPRSP14(B) provides a strategic policy for conserving, and where possible, enhancing the historic environment of the Borough. Criterion 2 of the policy should reflect when assessing the impact on the significance of heritage assets, consideration will need to be given to any public benefits, which need to be weighed against any harm to designated heritage assets<sup>71</sup>. As such I recommend **MM59** so that the Plan would be consistent with national planning policy and for effectiveness. For similar reasons Policy LPRENV1 dealing with development affecting heritage assets would need to be modified to require consideration of potential public benefits in any heritage balance and so I recommend **MM105** accordingly.

## Climate Change

378. The Plan contains Policy LPRSP14(C) on meeting the challenges of climate change. The Council is separately preparing a Design and Sustainability Development Plan Document which will contain further policy on how development in the Borough can support the transition to a low carbon future and as well as improving resilience of communities and infrastructure to climate change impacts. This approach would be consistent with NPPF paragraph 21. Accordingly, it is not necessary for soundness for the Plan to contain detailed policy on matters such as sustainable construction and energy efficiency.

379. As a strategic policy, LPRSP14(C) sets out a number of measures, broadly reflective of the content of Section 14 of the NPPF on climate change. Modifications are needed to the policy to ensure it would be justified and effective. As submitted the policy requires blue-green infrastructure, including SUDS to be integrated into 'qualifying' new development. The term 'qualifying' is too imprecise and so I recommend it be replaced by 'major', which is an understood scale of development and consistent with paragraph 169 of the NPPF. Additionally, the part of the policy on 110 litres per person per day for new housing needs to be amended to reflect that it would be the standard of construction (including fittings) that would ensure this. Finally, adapting to climate change and ensuring future resilience is part of the role of planning, as stated at paragraph 153 of the NPPF. Accordingly, it would be necessary for soundness to require development to have regard to surface water

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<sup>71</sup> The respective tests at NPPF paragraphs 201 and 202 depending on the degree of heritage harm.



management plans. **MM60** would address these issues and I recommend it so the policy would be justified and for effectiveness.

### Conclusion on Issue 9

380. In conclusion, subject to the above-mentioned MMs, the Plan's policies for the natural environment, heritage and climate change would be justified, effective and consistent with national planning policy.

### Issue 10 – Whether the Plan's policies for achieving good design are justified, effective and consistent with national planning policy.

#### Quality and Design

381. The submitted Plan contains a suite of policies aimed at ensuring well-designed places are achieved in the Borough consistent with national planning policy but also cognisant of the need to ensure that the significant growth required in the Borough can be accommodated in ways that are going to function well and add to the overall quality of the area. In addition to the design policies, the site allocation policies also set out relatively detailed design requirements for those sites. Furthermore, the policy frameworks for the new garden communities and the strategic development locations set high level design matters as well as requiring further work in terms of masterplanning and design codes. As such, it is not necessary for the soundness of the Plan to go further and to attempt to cover every design matter at this stage on what will be significant, long-term developments.

382. Sitting underneath Strategic Policy LPRSP15 on design are LPRQ&D policies for more detailed matters. Policy LPRQ&D3 on signage needs to remove content covered elsewhere in the submitted plan at Policy LPRSP11(c) and so I recommend **MM99** for clarity and effectiveness.

383. In a rural borough, the conversion of rural buildings generates their own design considerations. In this regard Policy LPRQ&D5 needs to be modified to include reference to taking account of available guidance, including the Kent Downs Farmstead Guidance. **MM100** would do this, and I recommend so that the Plan would be justified and effective.

#### Optional Technical Standards

384. Policy LPRQ&D6 would set the requirement for various optional technical standards. This includes internal space standards in accordance with nationally described space standards, accessibility standards to M4(2) on all new dwellings and water efficiency of 110 litres per person per day. These requirements have been viability tested and would not compromise delivery.

The optional technical standard on water consumption is clearly justified by the Borough being classified a water stressed area by the Environment Agency<sup>72</sup>.

385. Having regard to the evidence in the SHMA, the M4(2) accessibility standard in all new dwellings is justified. Having regard to the PPG<sup>73</sup> the policy should set out potential circumstances where M4(2) may not be feasible. Additionally, the evidence also identifies a need for wheelchair accessible housing as per optional standard M4(3) but this is not reflected in the submitted policy. Consequently, in order for the plan to be justified, additional policy content is required seeking the circumstances where M4(3) housing would be sought and confirming that such housing only applies to those properties for which the Council would be responsible for allocating or nominating the household, in accordance with PPG paragraph 56-011-20150327. **MM101** would make the necessary changes to this part of Policy LPRQ&D6 and I recommend it so that the Plan would be consistent with national planning policy and guidance.

### **Conclusion on Issue 10**

386. In conclusion, subject to the above-mentioned MMs, the Plan's policies for achieving good design would be justified, effective and consistent with national planning policy.

## **Issue 11 – Monitoring and Review**

### **Monitoring**

387. The plan contains a set of monitoring indicators, which broadly align to the proposed indicators set out in the monitoring section of the SA<sup>74</sup>. I am satisfied that these would be effective in monitoring plan delivery and identifying where action might be needed. As set out under Issue 7 above, the housing trajectory has been recommended for modification and a new Strategic Policy on housing delivery has also been separately recommended. These measures will further focus monitoring of housing delivery and the need for any corrective action if required. No further modifications are needed to the monitoring framework for the submitted plan for Plan soundness.

### **Plan Review**

388. The process and timeframe for the submitted plan started, in large part, from a review policy contained in the 2017 Local Plan. In examining this plan, there are no reasons for plan soundness to repeat a plan review policy. Regulations now require local planning authorities to consider plan review within a five-year period in any event. Monitoring of the plan's performance together with any

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<sup>72</sup> ED107 Water Stressed Areas – Final Classification July 2021, Environment Agency

<sup>73</sup> PPG Paragraph 56-008-20160519

<sup>74</sup> Table 10.1 of 2021 SA Report [LPRSUB002a]

other changes (for example, updates to national planning policy) will inform when a plan review should be triggered including in relation to housing delivery. The latest LDS also identifies separate development plan documents on design and sustainability and gypsy and traveller provision which would ensure development plan policy on these matters remains up to date.

## Other Matters

389. On submission, the plan contained a glossary. As a consequence of various MMs and the timescale of the examination, the glossary itself needs modifying so that the Plan would be effective. Many of the changes to definitions in the glossary are to ensure consistency with the NPPF, reflect important factual updates, and various planning related legislation. Following consultation on the MMs I have added a definition of 'Windfall' to the glossary for effectiveness. **MM107** would make the glossary effective for decision-making going forward and so I recommend it accordingly.

## Conclusion on Issue 11

390. In conclusion, the plan would provide an effective approach to monitoring and sufficient mechanisms exist to inform when a plan review would be required.

## Overall Conclusion and Recommendation

391. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Maidstone Local Plan Review satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*David Spencer*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.