

AGENDA

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE MEETING



Date: Tuesday 13 June 2017

Time: 6.30 pm

Venue: Town Hall, High Street, Maidstone

Membership:

Councillors D Burton (Chairman), Cox, English, Munford, Prendergast,
Springett, de Wiggondene, Wilby and Willis

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3. Urgent Items
4. Notification of Visiting Members
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6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information
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10. Presentation of Petitions (if any)

Continued Over/:

Issued on 5 June 2017

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone ME15 6JQ**

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PUBLIC SPEAKING

In order to book a slot to speak at this meeting of the Strategic Planning, Sustainability and Transportation Committee, please contact the Democratic Services Officer on 01622 602272 or by email on committeeservices@maidstone.gov.uk by 5 pm one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services on committeeservices@maidstone.gov.uk or 01622 602272.** To find out more about the work of the Committee, please visit www.maidstone.gov.uk

MAIDSTONE BOROUGH COUNCIL

Strategic Planning, Sustainability and Transportation Committee

MINUTES OF THE MEETING HELD ON TUESDAY 11 APRIL 2017

Present: Councillors D Burton (Chairman), English, Garten, Mrs Grigg, D Mortimer, Munford, Prendergast, Springett, de Wiggondene and Wilby

Also Present: Councillor Perry

172. APOLOGIES FOR ABSENCE

It was noted that apologies were received from Councillor de Wiggondene for his late arrival to the meeting.

173. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Garten acted as a substitute member until Councillor de Wiggondene's arrival.

174. URGENT ITEMS

There were no urgent items.

175. NOTIFICATION OF VISITING MEMBERS

Councillor Perry indicated that he wished to speak on items 14 and 19. Councillor Garten indicated that he wished to speak on items 14 and 17.

176. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

177. DISCLOSURES OF LOBBYING

It was noted that all members had been lobbied on items 14 and 19. Councillor Munford disclosed that he had been lobbied on item 13. Councillor D Mortimer disclosed that he had been lobbied on item 17.

178. MINUTES OF THE MEETING HELD ON 14 MARCH 2017

RESOLVED: That the minutes of the meeting held on 14 March 2017 be approved as a correct record and signed, subject to the removal of reference to the Planning Committee on Page 2, Resolution 4.

179. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

180. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

181. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

182. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

183. CHANGE TO THE ORDER OF BUSINESS

The Chairman proposed that item 19: Headcorn Neighbourhood Plan – Examiner’s Report be taken after the Committee Work Programme.

RESOLVED: That the change to the order of business be noted.

184. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: HEADCORN NEIGHBOURHOOD PLAN - EXAMINER'S REPORT

Due to the correspondence received on the day of the meeting from Headcorn Parish Council on this item, the Committee decided to defer this item in order to seek legal advice.

RESOLVED: That the item be deferred to the next meeting.

185. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS: KEY PERFORMANCE INDICATORS 2017-18

The Head of Policy and Communications and the Policy and Information Manager presented the report on the Strategic Planning, Sustainability and Transportation Committee’s – Key Performance Indicators for 2017-18.

It was noted that the suggested indicators (paragraph 3.3) were made following workshops with members and suggestions from officers.

The Committee suggested that instead of KPIs under the heading: Securing Improvements to the Transport Infrastructure of our Borough, regular updates on the progress of the Integrated Transport Strategy would be brought to this Committee.

RESOLVED:

1. That the KPIs for this Committee for 2017-18 will be:

- Processing of major planning applications in 13 weeks
- Processing of minor applications in 8 weeks
- Processing of other applications in 8 weeks

- Net additional homes provided (NI 154)
- Number of affordable homes delivered (gross)

2. That updates on the progress of the Integrated Transport Strategy are brought to this Committee.

186. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: BOUGHTON MONCHELSEA AND LINTON CONSERVATION AREAS

The Team Leader for Heritage, Landscape and Design presented a report on Boughton Monchelsea and Linton Conservation Areas.

It was noted that the Council had previously engaged with external consultants to produce two separate pieces of work: a Management Plan for three Conservation Areas in Boughton Monchelsea and a detailed examination of the areas identified in the approved Management Plan for Linton Conservation Area for inclusion in an extended boundary, where changes would be justified.

The Committee was informed that if the recommendations for extending the Linton Conservation Area were agreed, the next stage was to carry out an extensive public consultation exercise within those areas proposed for inclusion, together with other interested bodies such as Historic England. Responses to these consultations would then be reported back to the Head of Planning and Development with a recommendation to designate or not. If the recommendation was agreed then the designation would be advertised in the local press and the London Gazette.

RESOLVED:

1. That a Conservation Area Management Plan for the three conservation areas in Boughton Monchelsea be approved
2. That the Head of Planning and Development be given delegated authority to make the decision to effect proposed boundary alterations to Linton Conservation Area following consultation with affected bodies and landowners

187. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: E-PLANNING - PARISH COPIES OF APPLICATIONS

The Mid Kent Planning Support Manager presented a report on E-Planning – Parish Copies of Applications.

The Mid Kent Planning Support Manager informed the Committee that there should be amended wording in the first paragraph of the recommendation, which should have read: that the Committee note the decision to remove hardcopies to parishes will be implemented with effect from 1 April 2018. With parishes provided with hardcopies of plans only, from June 2017 to 31 March 2018.

The Committee was asked to note that there had been previous consultation with Parish Councils on this issue in 2014 and that Maidstone Borough Council proposed to work with Parish Councils over the next 11 months in order to understand any issues that they may have and work together to find solutions. It was proposed that thin file paper copies of planning applications could be provided to Parish Councils in order to reduce costs, but also provide parishes with paper copies of plans for planning applications.

The Director of Regeneration and Place confirmed to the Committee that thin file format copies of planning applications would not be withdrawn without notifying the Committee.

Councillor Perry, attending as a visiting member, spoke in objection to the proposed changes in the update.

Councillor de Wiggondene arrived during discussion of this item at 19:14.

RESOLVED:

1. That the move towards a thin file format be supported

Voting: For – 6 Against – 3 Abstentions – 0

2. That thin file format copies of planning applications not be withdrawn until further notice

3. That Officers consult on and trial the thin file approach with Parish Councils

Voting: For – 8 Against – 1 Abstentions – 0

188. **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: HOUSING WHITE PAPER**

Councillor de Wiggondene replaced Councillor Garten on the Committee at the beginning of this item.

The Principal Planning Officer presented a report on the Housing White Paper.

The Committee had previously asked for a report outlining the main themes in the Housing White Paper. It was noted that the Communities, Housing and Environment Committee would be considering the report at their next meeting. The Council's formal response would need to be submitted by 2 May 2017 and the Committee noted that the Chairman and Vice-Chairman would receive a copy of the final response before submission.

The Committee noted that there were a number of issues which had not been addressed:

- Encouraging the subdivision of development sites

- The further enhanced protection of the natural environment
- The improved ability for Councils to serve completion notices
- The improved ability for Councils to use of compulsory purchase and land aggregation powers for regeneration
- Sliding scales of discounts over time for discounted property sales

RESOLVED:

1. That the responses set out in the body of the report be agreed as a basis for the Council's consultation response to the planning aspects of the Housing White Paper
2. That the report also includes:
 - a. Added concern about encouraging the subdivision of development sites
 - b. Support for enhanced powers for serving completion notices
 - c. Support for land amalgamation powers
 - d. Additional comment on the sliding scale of discounts over time for discounted property scales
3. That the Chairman and Vice Chairman have sight of the final response before submission

189. **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: SOUTH EASTERN RAIL FRANCHISE PUBLIC CONSULTATION**

The Principal Planning Officer presented a report on the South Eastern Rail Franchise Public Consultation: Shaping the Future – March 2017.

The Committee were asked to note that the franchise expired in December 2018 and therefore the Department for Transport were consulting with stakeholders and current service users. The Department for Transport intended to improve capacity and improve customer experience primarily through longer, more efficient trains and improved access and facilities.

The Committee strongly opposed measures to reduce the number of services from rural stations such as Headcorn, Staplehurst and Marden.

The Committee also requested that the need for early morning commuter services was highlighted in the consultation response, as well as a comment in favour of the prioritisation of re-signalling work to increase the speed of services in between Ashford and Victoria.

RESOLVED:

That the draft response (Appendix B) is approved for submission to the consultation, subject to the addition of a comment highlighting the need for early morning commuter services and the incorporation of a comment in favour of the prioritisation of re-signalling work to increase the speed of services in between Ashford and Victoria.

Voting: For – 9 Against – 0 Abstentions – 0

190. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: 20 MPH SPEED LIMITS IN MAIDSTONE BOROUGH - UPDATE

The Principal Planning Officer presented a report on 20 mph speed limits in Maidstone Borough – Update.

Councillor Garten spoke as a visiting member on the item.

RESOLVED: That the content of the report be noted.

191. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: AIR QUALITY TECHNICAL GUIDANCE

The Principal Planning Officer presented a report on Air Quality Technical Guidance.

The Committee was asked to note that planning can play a significant role in addressing air quality issues by delivering growth in a sustainable manner, securing appropriate measures to mitigate air quality impacts and contributing to the wider strategy to improve air quality.

In response to a question from a member of the Committee, the Principal Planning Officer explained that the Air Quality Impact Assessment approach had been replaced in many parts of the country, in line with the approach set out by the Kent and Medway Air Quality Partnership. Air quality impacts would still be thoroughly assessed through the new approach, but increased emphasis would be placed on the effectiveness of measures to address the identified impacts

RESOLVED:

That officers prepare draft Air Quality Technical Guidance for Maidstone Borough, adapted from the Kent and Medway Air Quality Partnership guidance, with the intention of this Committee adopting the Guidance for development management purposes.

Voting: For – 9 Against – 0 Abstentions – 0

192. DURATION OF MEETING

6.32 p.m. to 8.18 p.m.

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 23 MAY 2017

Present: Councillor D Burton (Chairman), and
Councillors Clark, Cox, English, Munford, Prendergast,
Mrs Ring, Springett and Willis

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors de Wiggondene and Wilby.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Mrs Ring for Councillor de Wiggondene
Councillor Clark for Councillor Wilby

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor D Burton be elected as Chairman of the Committee for the Municipal Year 2017/18.

4. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Cox be elected as Vice-Chairman of the Committee for the Municipal Year 2017/18.

5. DURATION OF MEETING

7.20 p.m. to 7.22 p.m.

2017/18 WORK PROGRAMME SORTED BY COMMITTEE

Report Title	Work Stream	Committee	Month	Lead	Report Author
Headcorn Neighbourhood Plan	Local Plan & Planning Policy	SPS&T	Jun-17	Mark Egerton	Cheryl Parks
Review of Air Quality Management Area and Low Emission Strategy	New/Updates to Strategies & Policies	SPS&T	Jun-17	John Littlemore	Duncan Haynes
Neighbourhood Planning Act 2017	Local Plan & Planning Policy	SPS&T	Jun-17	Rob Jarman	Mark Egerton
Fourth Quarter Budget Monitoring	Corporate Finance and Budgets	SPS&T	Jun-17	Mark Green	
Tunbridge Wells Local Plan 2033: Issues & Options consultation	Local Plan & Planning Policy	SPS&T	Jun-17	Rob Jarman	Sarah Anderton
Q4 Performance Report 2016/17	Updates, Monitoring Reports and Reviews	SPS&T	Jun-17	Angela Woodhouse	Anna Collier
Planning Service Performance Statistics Q1	Updates, Monitoring Reports and Reviews	SPS&T	Jul-17	Rob Jarman	Tay Arnold / Cheryl Parks
Park and Ride Commissioning Review	Changes to Services & Commissioning	SPS&T	Jul-17	Georgia Hawkes	Lisa Cook
Brownfield Register - Issues and Implications	Local Plan & Planning Policy	SPS&T	Jul-17	Rob Jarman	Stuart Watson
Parking Services Annual Report	Updates, Monitoring Reports and Reviews	SPS&T	Jul-17	William Cornall	Alex Wells
Housing Land Supply Update	Local Plan & Planning Policy	SPS&T	Jul-17	Rob Jarman	Stuart Watson
Planning Review	Changes to Services & Commissioning	SPS&T	Sep-17	William Cornall	Tay Arnold
First Quarter Budget Monitoring	Corporate Finance and Budgets	SPS&T	Sep-17	Ellie Dunnet	Paul Holland
Air Quality Technical Guidance	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Andrew Thompson
Bus Interchange, Parking, Park & Ride Studies	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Mark Egerton / Cheryl Parks
CIL Examination Update	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Andrew Thompson
CIL Governance Arrangements	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Andrew Thompson
Local Development Scheme	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Cheryl Parks
Local Plan Inspector's Report & Adoption	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Sarah Anderton / Mark Egerton
Statement of Community Involvement	Local Plan & Planning Policy	SPS&T	Sep-17	Rob Jarman	Sue Whiteside
Maidstone Integrated Transport Package	Updates, Monitoring Reports and Reviews	SPS&T	Sep-17	John Foster	Abi Lewis
Q1 Performance Report 2017/18	Updates, Monitoring Reports and Reviews	SPS&T	Sep-17	Angela Woodhouse	Anna Collier
Second Quarter Budget Monitoring	Corporate Finance and Budgets	SPS&T	Nov-17	Ellie Dunnet	Paul Holland
Authority Monitoring Report	Local Plan & Planning Policy	SPS&T	Nov-17	Rob Jarman	Stuart Watson
Statement of Community Involvement	Local Plan & Planning Policy	SPS&T	Nov-17	Rob Jarman	TBC
Q2 Performance Report 2017/18	Updates, Monitoring Reports and Reviews	SPS&T	Nov-17	Angela Woodhouse	Anna Collier
CIL Adoption	Local Plan & Planning Policy	SPS&T	Dec-17	Rob Jarman	Andrew Thompson
CIL Governance Arrangements	Local Plan & Planning Policy	SPS&T	Dec-17	Rob Jarman	Andrew Thompson
Innovation in MBC Car Parks	Changes to Services & Commissioning	SPS&T	Dec-17	Georgia Hawkes	Jeff Kitson
Fees & Charges	Corporate Finance and Budgets	SPS&T	Jan-18	Mark Green	Ellie Dunnet
Medium Term Financial Strategy & Budget Proposals 2018/19	Corporate Finance and Budgets	SPS&T	Jan-18	Mark Green	Ellie Dunnet
Strategic Plan Action Plan 2018/19	Corporate Planning	SPS&T	Jan-18	Angela Woodhouse	Angela Woodhouse
Planning Obligations SPD	Local Plan & Planning Policy	SPS&T	Jan-18	Rob Jarman	TBC
Setting New Key Performance Indicators (please note: there will be workshops with each committee prior to the report in January/ February)	Corporate Planning	SPS&T	Feb-18	Angela Woodhouse	Anna Collier
Q3 Performance Report 2017/18	Updates, Monitoring Reports and Reviews	SPS&T	Feb-18	Angela Woodhouse	Anna Collier
Duty to Cooperate / Other LPA Consultations	Local Plan & Planning Policy	SPS&T	N/A	Rob Jarman	TBC
Making of Neighbourhood Plans	Local Plan & Planning Policy	SPS&T	N/A	Rob Jarman	TBC
Misc External Consultations	Local Plan & Planning Policy	SPS&T	N/A	Rob Jarman	TBC
Neighbourhood Plan Examiner's Reports / Approval for Referendum	Local Plan & Planning Policy	SPS&T	N/A	Rob Jarman	TBC
Neighbourhood Plan Regulation 16 Responses	Local Plan & Planning Policy	SPS&T	N/A	Rob Jarman	TBC
Updates Regarding New Legislation	Local Plan & Planning Policy	SPS&T	N/A	Rob Jarman	TBC
Enforcement Protocol Refresh	New/Updates to Strategies & Policies	SPS&T	TBC	Rob Jarman	James Bailey/Amanda Marks
20mph Speed Limits / Zones	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC

2017/18 WORK PROGRAMME SORTED BY COMMITTEE

Report Title	Work Stream	Committee	Month	Lead	Report Author
GBIS Action Plan	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Deanne Cunningham / Cheryl Parks
Public Art Policy	Local Plan & Planning Policy	SPS&T	TBC	Dawn Hudd	Fran Wallis
Willington Street Junction Improvements	Local Plan & Planning Policy	SPS&T	TBC	Dawn Hudd/Rob Jarman	Abi Lewis/Mark Egerton
CIL Examination Update - Matters, Issues and Questions; examination format etc.	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Andrew Thompson
Playing Pitch and Outdoor Sports Facilities	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Sue Whiteside/Mark Egerton

Agenda Item 14

Strategic Planning, Sustainability and Transportation Committee

13 June 2017

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

Yes

Neighbourhood Planning Act 2017

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Mark Egerton, Planning Policy Manager & Sue Whiteside, Principal Planning Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That the provisions of the Neighbourhood Planning Act 2017 are noted.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all; and
- Securing a successful economy for Maidstone Borough

The Neighbourhood Planning Act 2017 includes provisions that affect the delivery of development through the plan making and development management processes.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	13 June 2017

Neighbourhood Planning Act 2017

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report summarises the provisions of the Neighbourhood Planning Act 2017 (the Act), and is presented for information only.
- 1.2 The Act strengthens the role of neighbourhood planning, and introduces measures that will ensure local planning authorities (LPAs) have up-to-date local plans for their areas. The new legislation includes restrictions on powers to impose planning conditions, and removes permitted development rights relating to drinking establishments. The Act also includes provisions intended to improve the operation of compulsory purchase orders.

2. INTRODUCTION AND BACKGROUND

Abbreviations used in the report	
Act	Neighbourhood Planning Act 2017
CPO	Compulsory Purchase Order
DPD	Development Plan Document (including the Local Plan)
LDD	Local Development Document
LDS	Local Development Scheme
LPA	Local Planning Authority
NDP	Neighbourhood Development Plan
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document

- 2.1 The Neighbourhood Planning Bill gained Royal Assent on 28 April 2017.
- 2.2 Part 1 of the Act covers a range of planning matters including neighbourhood planning, local development documents, planning conditions, permitted development rights relating to drinking establishments, the development of New Towns by LPAs and the register of planning applications.
- 2.3 Part 2 of the Act relates to changes to compulsory purchase powers.
- 2.4 Several of the Act's provisions have already come into force, but others will require secondary legislation.
- 2.5 This report is for information only.

Neighbourhood planning

- 2.6 The Act aims to strengthen neighbourhood planning by ensuring that LPAs take account of well advanced neighbourhood development plans (NDPs) by including a duty on LPAs to have regard to a post-examination draft neighbourhood development plan (NDP) as a material consideration in the determination of planning applications (provided the authority has made a

decision that the referendum will be held on the draft plan or an examiner has recommended that the authority should make the draft NDP with or without modifications). Full weight is given to an NDP in draft form once it has passed referendum stage but before the NDP is formally made by Council. Following referendum, the only basis under which an NDP may cease to be part of the LPAs development plan is if the Council decides that the NDP would be incompatible with European Union Law or Human Rights Law. An NDP will still date over time, as do local plans, and its policies can be superseded by a later adopted local plan or by national policy and/or guidance.

- 2.7 The Act introduces a process for modifying NDPs, and the designation of a Neighbourhood Forum can cease to have effect if a new or amended Parish Council boundary overlaps with the relevant neighbourhood area.
- 2.8 Changes to neighbourhood planning procedures will require amendments to Regulations, including the Neighbourhood Planning (General) Regulations 2012. The Council's protocol for preparing neighbourhood plans will be reviewed once Regulations are in place.
- 2.9 The Council currently sets out how it helps neighbourhood plan making bodies in an advice note which is published on its webpage. In future this will need to be formally included in the Council's Statement of Community Involvement (SCI). Amendments relating to the content of an SCI will require revisions to the Town and Country Planning (Local Planning) (England) Regulations 2012. A report on the review of the SCI is included in this Committee's work programme for the forthcoming year.

Local development documents

- 2.10 Local Development Documents (LDDs) include statutory development plan documents (DPDs) and non-statutory supplementary planning documents (SPDs). The Government is seeking to ensure that all LPAs have an up-to-date local plan (which is a DPD). The Secretary of State will be able to make Regulations that require LPAs to review LDDs within prescribed time frames. Once an LDD has been reviewed, the local planning authority must publish its reasons if a document has not been revised.
- 2.11 DPDs (taken as a whole) will need to identify the strategic priorities for the development and use of land. This removes an expectation that a LPA (or joint LPAs if preparing a joint local plan) should be covered by a single local plan.
- 2.12 The Act introduces new powers whereby the Secretary of State will be able to direct two or more LPAs to develop joint local plans if it would facilitate more effective planning of the development and use of land. County Councils may be invited by the Secretary of State to prepare local plans where districts have not done so.
- 2.13 The Secretary of State is required to issue guidance for LPAs on how their LDDs (taken as a whole) should address housing needs that result from old age or disability.

2.14 The Secretary of State may also introduce Regulations that prescribe additional matters to be addressed by a Local Development Scheme (LDS) or an SCI (both of which are included in this Committee's work programme for the forthcoming year).

2.15 With the exception of the requirement to provide guidance as to how LDDs should address housing needs that relate to old age or disability, new or amended secondary legislation will be required, mainly to amend the Town and Country Planning (Local Planning) (England) Regulations 2012 which set out the procedures for preparing LDDs.

Planning conditions

2.16 The new legislation includes restrictions on powers to impose planning conditions, including the tightening of rules around a LPAs use of pre-commencement conditions by ensuring only those with written agreement from the developer can be used. The intention is for the Act to reduce the time lag between planning permission being granted and the commencement of building on-site. The aim is to ensure that conditions are only imposed where they meet the tests for planning obligations set out in the National Planning Policy Framework.

2.17 This section of the Act is not yet in force, so the Secretary of State does not have the power to make Regulations controlling the use of conditions. Once the provisions of the Act are commenced, Regulations will set out the circumstances under which pre-commencement conditions may be imposed without the applicant's consent, together with prohibited conditions.

2.18 As indicatively drafted, the Regulations controlling the use of conditions would apply to planning applications granted (as opposed to submitted) after a certain date, so a system will need to be put in place to seek applicant approval of pre-commencement conditions on all planning applications under consideration on or after the given date (possibly before the Regulations come into force).

Permitted development rights relating to drinking establishments

2.19 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 came into force on 23 May 2017. The order removed permitted development rights to change drinking establishments (use class A4) to shops (A1), financial and professional services (A2), or restaurants (A3). Temporary rights to change to a school and to use classes A1/A2/A3 are also removed. A new typology has been introduced where a public house or other drinking establishment use operates concurrently with an A3 use.

2.20 Planning permission will be required to demolish a drinking establishment, or a drinking establishment with expanded food provision.

2.21 As a consequence of the removal of these rights, the current requirement to establish with the local planning authority whether the drinking establishment has been nominated as an asset of community value is removed because it is no longer relevant. Transitional arrangements apply.

Development of new towns by local authorities

2.22 The Act will allow the drafting of Regulations that transfer functions under the New Town Act 1981 to one or more LPAs within the area proposed for the New Town.

Planning register

2.23 The Act allows for Regulations requiring LPAs to record prior approval applications (and activity or inactivity (as the case may be)) on their planning registers, regardless of whether the authority has responded to an application. Regulations may also stipulate the information to be included in the planning register, and the circumstances when an application or notification may be removed from it. The intention is to lead to an accurate recording of the number of homes permitted via permitted development rights.

2.24 The requirement for LPA's to include prior notifications on the planning register has commenced, but a development order prescribing the information to be recorded is needed.

Compulsory purchase

2.25 The Government made further commitments towards compulsory purchase in the Housing White Paper earlier this year, including a commitment to encourage LPAs to use compulsory purchase in relation to stalled development sites. The Act includes provisions intended to improve the operation of compulsory purchase orders (CPO) and also seeks to clarify case law that determines compensation for landowners. National commitments and the measures in the Act will add to changes previously enacted through the Housing and Planning Act 2016.

2.26 The Act creates a right to take temporary possession on largely the same basis as the right to compulsorily acquire. As such the Act gives all those who can acquire land, by agreement or compulsorily, the power to take temporary possession of land for the purposes connected with the purposes for which it could acquire the land compulsorily. Temporary possession may be achieved with by agreement or compulsorily. Notice periods are prescribed with the ability of the landowner being able to serve a counter-notice which seeks to limit the time that temporary possession can be taken. Enforcement provisions will also be available if a person refuses to give up temporary possession of land with compensation being available for any loss or injury sustained

2.27 The Act's compulsory purchase provisions will enter force once a Commencement Order has been laid before a Parliament.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 This report is for the Committee's information only.

4. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Neighbourhood Planning Act 2017 includes provisions that affect the delivery of development through the plan making and development management processes.	Mark Egerton (Planning Policy Manager)
Risk Management	This report is for information only so there are no risks directly arising from the report.	Mark Egerton (Planning Policy Manager)
Financial	This report is for information only so there are no financial implications directly arising from the report.	Suzan Jones (Finance) and Mark Green (Section 151 Officer)
Staffing	There will be changes to plan making and development management processes arising from the Act, but these can be managed within existing staff resources.	Mark Egerton (Planning Policy Manager)
Legal	There are no legal implications directly arising from the report, other than a requirement to manage (a) the changes to plan making and development management procedures and practices, and (b) amendments to the operation of compulsory purchase.	Russell Fitzpatrick (Planning Team Leader)
Equality Impact Needs Assessment	N/A	[Policy & Information Manager]
Environmental/Sustainable Development	N/A	[Head of Service or Manager]
Community Safety	N/A	[Head of Service or Manager]
Human Rights Act	N/A	[Head of Service or Manager]
Procurement	N/A	[Head of Service &

		Section 151 Officer]
Asset Management	N/A	[Head of Service & Manager]

5. REPORT APPENDICES

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

Appendix I: Link to the Neighbourhood Planning Act 2017

<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted/data.htm>

6. BACKGROUND PAPERS

There are no background papers.

Strategic Planning, Sustainability and Transportation Committee	13 June 2017
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

Headcorn Neighbourhood Plan – Examiner’s Report and Recommendations

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Cheryl Parks, Project Manager: Local Plan
Classification	Public
Wards affected	Headcorn, Staplehurst, Sutton Valence & Langley, Leeds, Harrietsham & Lenham

This report makes the following recommendations to this Committee:

1. That the Committee notes the findings of the Examiner of the Headcorn Neighbourhood Plan;
2. That the Committee considers the views of officers in regard to the Examiner’s findings and other issues;
3. That the Committee agrees not to move the Plan to referendum.

This report relates to the following corporate priorities:

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

Made Neighbourhood Plans form part of the Development Plan for Maidstone, and will be used in the determining of planning applications in the Neighbourhood Plan area.

Timetable	
Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	13 June 2017

Headcorn Neighbourhood Plan – Examiner’s Report and Recommendations

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the findings of the independent examination of the Headcorn Neighbourhood Development Plan (NDP) and the consideration of these findings by officers, and makes recommendations to the Committee in regard to the most appropriate way forward.
- 1.2 Following the agreement of this Committee on 18 April 2016 to a revised protocol for Neighbourhood Planning processes, the decision on whether to move an NDP to referendum rests with this Committee.
- 1.3 Councillors will be aware that this report was originally scheduled to have been presented at the meeting of 11 April 2017, but was deferred by the Chair with the agreement of the Committee following late receipt of a letter from legal advisors to the Parish Council. It was agreed that more time was needed to consider the content of the letter and for the Council to seek further legal advice on the matter.
- 1.4 Advice was subsequently sought from Counsel and discussions held in regard to the content of both the Examiner’s report and the letter from legal advisors to the Parish Council.

2. INTRODUCTION AND BACKGROUND

Context

- 2.1 Headcorn Parish Council has been working on its NDP for some time. An application for formal designation of a Neighbourhood Area (Regulation 5¹) was made on 3 December 2012, and was subsequently agreed, following consultation, on 8 April 2013.
- 2.2 The Parish Council worked through the preparatory stages of plan making, including consultation at the pre-submission stage, before formally submitting their plan to the Council in mid-November 2015. Officers engaged with the Headcorn Neighbourhood Plan Steering Group and Parish Council on a number of occasions to provide advice, and expressed concerns regarding the draft NDP and the risks in regard to the proposals therein. These concerns were later reflected in the Council’s response to the formal consultation on the NDP (see paragraph 2.4 below).
- 2.3 In accordance with the Regulations and the agreed Maidstone Borough Council (MBC) protocol, officers facilitated a full 6-week public consultation on the NDP between 15 January and 26 February 2016. Over 170 comments were made by 151 individual representors, including the

¹ The Neighbourhood Planning (General) Regulations 2012

response of MBC as agreed by this Committee on 9 February 2016, making it the largest response to a Neighbourhood Plan consultation seen in Maidstone to date.

- 2.4 The agreed MBC consultation response set out a number of instances where it was of the opinion that there was a failure to conform with the strategic policies of the adopted Local Plan and Development Plan Documents (DPD's) as well as citing a clear lack of conformity with national policy requirements. These concerns had been previously shared with the Parish Council in meetings to discuss the emerging plan, prior to its submission to the Council.

The Examination

- 2.5 As set out in the agreed protocol, the process of appointing the Examiner for an NDP commences at the point the plan is formally submitted to the Council. While the consultation was on-going, officers agreed the appointment of an examiner through the NPIERS service following discussion with representatives from the Parish Council. The Examiner was selected given her local knowledge obtained through work with North Loose Residents Association, Design South East and others.
- 2.6 As this Committee will be aware, the appointed Examiner lost her accreditation during the examination process, and this issue was the subject of a previous Committee Report². A subsequent attempt was made to appoint through NPIERS, but it was agreed by both MBC officers and Councillors that the proposed candidate (who was the preferred choice of the Parish Council) would have a conflict of interest. A further selection of candidate examiners was subsequently requested from NPIERS.
- 2.7 A new Examiner, Mr Jeremy Edge, was agreed by both MBC and the Parish Council, and was appointed. Officers provided him with the same suite of documents that had been provided previously to the initial Examiner to allow him to commence his examination of the NDP.
- 2.8 Following extensive consideration of the NDP, and the comments of representors, Mr Edge felt that it would be necessary to convene an examination hearing, to enable debate and discussion on a number of points, and to allow him to 'bottom out' a number of issues about which he had concerns and where there was a difference of opinion among representors. The hearing was convened on 18 October 2016 at Headcorn Village Hall. This Committee was updated in regard to the hearing at its meeting on 8 November 2016.
- 2.9 Unfortunately the delivery of Mr Edge's report was delayed, despite the best efforts of officers. Officers remained in contact with Mr Edge, to ensure his report was delivered as soon as possible in the New Year.
- 2.10 On 16 February 2017 a Fact Check version of the Examiner's report was received, and was shared with the Parish Council to afford them an opportunity to seek any factual corrections. A number of minor corrections

² SPS&T Committee, Tuesday 14 June 2016

were submitted by MBC officers along with the responses of the Parish Council, and the subsequent Final Examiner's Report was received on 19 March 2017 and is included at Appendix 1.

The Role of the Examiner; Basic Conditions

- 2.11 Any Examiner of an NDP has a limited scope, as prescribed in the Planning Practice Guidance³. This role is limited to testing the submitted NDP against the Basic Conditions tests rather than considering its 'soundness' or examining other material considerations.
- 2.12 The Basic Conditions tests for an NDP are set out in legislation⁴. In order for a plan to meet the Basic Conditions it must:
- have appropriate regard to national policy and national guidance;
 - contribute towards the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the local area;
 - be compatible with human rights requirements; and
 - be compatible with EU obligations.
- 2.13 During the examination hearing the Parish Council agreed that a number of the policies within the NDP would need to be revised to ensure conformity with both national and local policy positions – a requirement to meet the Basic Conditions. Mr Edge did not give any warranty that the 'negotiated' changes would be sufficient to overcome his concerns about the drafted NDP and whether it would meet Basic Conditions.
- 2.14 In the event, the Examiner concluded that the Plan should not proceed to Referendum. He did not specify any modifications that might make the Plan suitable for referendum. He concluded that there was " ...the need to substantially re-write the Plan" and so his concerns were fundamental.
- 2.15 He also concluded that "it would be necessary to re-cast the reasoned justification for ... [policy] changes in the text". He said " ...there remain certain areas where [he does] not consider the Basic Conditions ...could be met." He was also of the view that there were NDP policies which he had not mentioned but which also needed revision in order to meet Basic Conditions.
- 2.16 Officers agree with those conclusions and do not propose recommending a decision different from the recommendation of the Examiner. As the Examiner has underlined, modifications are not a viable way forward and in coming to that view, officers have considered additional submissions made by and on behalf of Headcorn Parish Council.

³ National Planning Practice Guidance; [ID 41-055-20140306](#)

⁴ Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)]

Regard to National Policy and Guidance and the 'Shared Vision'

- 2.17 In his final report Mr Edge set out a number of failings of the submitted NDP. He noted that the approach to growth between the two parties (MBC and the Parish Council) was not aligned, and that Headcorn Parish Council favoured a more 'organic' approach centred on their argument that Headcorn as a settlement is relatively inaccessible. Mr Edge also challenged the reality of a 'shared vision.' He was not persuaded that the Parish Council's approach was the correct one and said that compared to other settlements without the modal choice of rail travel, it is understandable that the rail based opportunity is an important and sustainable factor in the earlier and continued designation of Headcorn as a Rural Service Centre. Officers also remain of the view that Headcorn has some very good sustainability credentials.
- 2.18 In giving consideration to the Examiner's findings it is the view of officers that the NDP as drafted does not truly reflect the intentions of the National Planning Policy Framework (NPPF) at paragraphs 183 and 184 in regard to the 'shared vision'. These are further clarified in the National Planning Practice Guidance (NPPG) (ID 41-001-20140306) and make it clear that the aspirations of the neighbourhood should be aligned with the strategic needs and priorities of the wider area rather than taking an inward-facing approach as is the case in the Headcorn NDP.
- 2.19 Mr Edge's view on the methodology used by Headcorn to assess future housing needs further illustrates this point. The Examiner highlighted NPPG advice which acknowledges that a neighbourhood plan is not tested against the policies in an emerging Local Plan but nevertheless the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. He also referred to NPPG advice urging the minimisation of conflicts between policies in the neighbourhood plan and those in an emerging Local Plan including housing supply policies, and to advice that neighbourhood plans should deliver against the objectively assessed evidence of needs.
- 2.20 The Parish Council's interpretation of the Borough Council's evidence (prepared to support the new Local Plan) was judged to be skewed. Although elements were used as a starting point for policy development, the Parish Council had undertaken its own local analysis and used local aspirations to justify specific policy restrictions. Officers agree with Mr Edge and do not believe this approach reflects the requirements of the NPPF at paragraphs 183 and 184, nor indeed the strong message in paragraph 47 which seeks to boost significantly the supply of housing; this is especially relevant given the objectively assessed need for the borough.
- 2.21 The Examiner concludes that the 'cap' on development proposals in any new development in the village is an arbitrary figure and not based in evidence. Consequently such a restriction would be contrary to national policy which seeks to proactively drive and support sustainable economic development to deliver homes and to respond positively to wider opportunities for growth. Further, that by applying a prescriptive cap, the plan's density policy is not flexible enough to respond to market signals which is one of the NPPF's core principles. It is the view of officers that this presents a major problem with

the NDP as drafted in that its overall direction, and the vision that underpins it, is in direct conflict with the national policy position. The reasoned justification in support of the policies in the NDP and deviation from the national approach is not sufficiently strong to evidence the policy direction.

- 2.22 The Parish Council, supported by their legal advisors, cite the Tattenhall judgement⁵ as relevant in supporting a cap on dwelling numbers. Although Tattenhall remains a material consideration, it has been somewhat overtaken by events, including the updating of the NPPG in 2016. Furthermore, more recent NDP examinations have taken a different view, notably the examination of Weedon Bec NDP (21 February 2017; Examiner – Ann Skippers⁶) where she noted *“Some of the sites have approximate housing figures, others more prescriptive ‘up to’ figures which would not be acceptable as it introduces a maxima and has the potential to stifle sustainable development.”* The Tattenhall decision does not alter officers’ views that the restriction is contrary to national planning policy and has not been sufficiently justified in this case. In respect of paragraph 2.34 of the Examiner’s report it is noted that he refers to the proposed phasing policy HNP7 and the restriction on no more than 45 dwellings in the period up to 2026 and refers to development comprising no more than 9 dwellings. Officers’ note that an individual development could comprise more than 9 dwellings within the 45 dwelling restriction. However, this does not lead them to change their overall view that HNP7 is overly restrictive and arbitrary.

Contribution to Sustainable Development and Conformity with Strategic Policies of the Development Plan

- 2.23 In his report, the Examiner is clear that he has tested the neighbourhood plan against the policies of the adopted Maidstone Borough-wide Local Plan 2000 and the NPPF. He rightly refers to national guidance in the NPPG which states that the reasoning and evidence informing the local plan process (including an emerging local plan) is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 2.24 The Council’s position in regard to what are deemed strategic policies in the suite of saved policies from the 2000 Local Plan is published on the Neighbourhood Planning webpages to assist and give clarity to those preparing NDP’s.
- 2.25 It is acknowledged that the adopted Local Plan is now somewhat dated. This presents those preparing NDP’s with a difficult balance to achieve given NDP’s are not expected to be in conformity with policies in the emerging Local Plan. However there is clear guidance in the NPPG⁷ (where there is a lack of an up-to-date Local Plan) to give consideration to the *“reasoning and evidence informing the Local Plan process ...for example, up-to-date housing needs evidence”*. Officers believe that greater weight should be afforded to the new evidence for Maidstone, since much of the evidence for the adopted

⁵ BDW Trading Ltd (t/a Barratt Homes) v Cheshire West and Chester BC (2014) EWHC 1470 (Admin)

⁶ http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/Weedon_Examiners_Report.pdf

⁷ NPPG [ID 41-009-20160211](#)

policies dates from the late 1990's and was gathered under now superseded national and regional planning policy positions.

- 2.26 Whilst it is acknowledged that sustainability is not an absolute concept, what is clear is that it comprises elements of economic, social and environmental matters in balance. The NPPF is clear (paragraph 16) that a presumption in favour of sustainable development should be used by neighbourhoods to "*develop plans that support the strategic development needs set out in Local Plans*" and it is the view of the Examiner and officers that a lack of housing and employment allocations leads to insufficient contribution to sustainable development in the borough as a whole. Headcorn is a settlement with some very good sustainability credentials, with a good range of local services and which offers good travel choices. Indeed, its designation as a Rural Service Centre in the emerging Local Plan has been subject to rigorous testing through various iterations of consultation and Sustainability Appraisals, and most recently through the examination hearings following which no change to this status was proposed. In many instances it can be argued that rural development can benefit sustainability and the retention of valued local services.
- 2.27 When considering conformity with adopted strategic local plan policies the NDP is judged again to fall some way short by the Examiner. Officers share his view that the proposed target figure of 20% affordable housing is contrary to the adopted policy AH1 in the 2006 Development Plan Document (DPD). A 20% requirement would hamper the position of the Council in meeting its borough-wide affordable housing needs.
- 2.28 There is also a lack of clarity in regard to the delivery of affordable housing under NDP Policy HNP9. The policy as drafted appears only to relate to Larger Village Developments (as defined in Policy HNP6) which includes sites that will deliver an overall quantum of 9-30 dwellings. The application of this policy requirement for affordable housing would appear to conflict with the Written Ministerial Statement of 28 November 2014 (upheld by the Court of Appeal 13 May 2016) and Planning Practice Guidance updates of 16 November 2016 requiring, inter alia provision on sites of 'more than ten' dwellings. Officers agree with the Examiner where he finds there is insufficient justification to prefer the Parish Council's assessment of housing need in relation to affordable housing policy compared with Boroughwide adopted policy and evidence supporting the emerging affordable housing policy. Basic condition (e) of the paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 is not met.

Conformity with EU Obligations and the European Convention on Human Rights

- 2.29 A further concern of Mr Edge was the apparent lack of any assessment of compliance with the European Convention on Human Rights, or the Human Rights Act 1998 in either the NDP or in any of the supporting documentation including the Basic Conditions Statement. Officers note these concerns, and suggest that an appropriate location for commentary on such an assessment would be in the Basic Conditions Statement. This view is underpinned by research and reading of other Examiner's reports on NDP's

from across the country and would be a suitable modification that could be made to address this point.

Examiner's Conclusions

- 2.30 In drawing together his conclusions, Mr Edge noted that the NDP as drafted contained a number of failings. He was however keen to recognise the level of participation and local interest in the preparation of the NDP, and the depth of the consultation undertaken by the Parish Council. He also thanked the participants of the hearing for their positive engagement and flexibility during what was a very long and detailed hearing session.
- 2.31 Overall, the conclusion reached by Mr Edge was that he was not satisfied that the NDP met the Basic Conditions tests as required by the Regulations in relation to:
- having appropriate regard for national policy;
 - adequately contributing towards the achievement of sustainable development; and
 - being in general conformity with the strategic policies of the development plan for the local area.
- 2.32 Mr Edge also concluded that he was not satisfied that appropriate regard had been demonstrated to confirm that the draft Plan is compatible with the Human Rights Act 1998.
- 2.33 As a result of his conclusions Mr Edge has recommended, in accordance with legislation⁸, that the NDP should not proceed to a local referendum. This will mean that the Council is unable to recoup any of the costs associated with the examination since the only opportunity to do so under the Government funding system occurs once a date has been set for a referendum.

Other matters and issues

- 2.34 Following receipt of the letter from legal advisors to the Parish Council and the deferral of the original report by the Committee on 11 April 2017, officers have considered in detail the points raised in the letter.
- 2.35 The letter points to three additional pieces of evidence that are considered are material before going into detail on a number of issues raised in the Examiner's report:
1. A recent appeal decision for a site in Headcorn: Land North of Lenham Road, Headcorn, TN27 9TU (APP/U2235/W/16/3151144), 9 December 2016;
 2. Assessments carried out by Headcorn Parish Council to assist in their representations to the Local Plan Examination;
 3. The recently published Housing White Paper – Fixing Our Broken Housing Market.

⁸ Schedule 4B to the Town and Country Planning Act 1990, paragraph 10

- 2.36 The legal advice also proposes a number of potential modifications to the individual policies of the NDP. Officers have considered all the matters it raises and do not believe that any should alter the conclusions of the Examiner. The appeal decision referred to above was passed to Mr Edge for consideration before he completed his draft report.
- 2.37 The content of the Housing White Paper cannot be given anything other than limited weight because of its status as an early consultation paper and the fact that it is yet to go through any parliamentary process for a Bill. Its contents do not alter officers' view that Headcorn has some good sustainability credentials and development in Headcorn is capable of contributing to the achievement of sustainable development.

Modifications

- 2.38 Schedule 4B of the Town and Country Planning Act 1990 sets out the actions open to a Local Planning Authority (LPA) upon receipt of an Examiner's report into an NDP. Paragraph 12 (2) sets out the need for the LPA to "*(a)consider each of the recommendations made by the report (and the reasons for them), and (b)decide what action to take in response to each recommendation*"
- 2.39 Paragraph 12 (6) also allows for the LPA to make modifications independently of the Examiner's report if it is felt that these are necessary to make the NDP meet the Basic Conditions, or satisfy the Convention rights.
- 2.40 Consideration should be given to whether modifications are appropriate to enable the NDP to meet the Basic Conditions. In this context such modifications should not only be considered in isolation, but also, and more importantly, 'in the round' and on the plan as a whole, including its vision which underpins the NDP and its policies.
- 2.41 The Examiner has concluded that the Plan should not proceed to Referendum. He did not specify any modifications that might make the Plan suitable for referendum. He concluded that there was " ...the need to substantially re-write the Plan" and so his concerns were fundamental.
- 2.42 He also concluded that "it would be necessary to re-cast the reasoned justification for ... [policy] changes in the text". He said " ...there remain certain areas where [he does] not consider the Basic Conditions ...could be met." He was also of the view that there were NDP policies which he had not mentioned but which also needed revision in order to meet Basic Conditions.
- 2.43 Officers agree with those conclusions and do not propose recommending a decision different from the recommendation of the Examiner. As the Examiner has underlined, modifications are not a viable way forward and in coming to that view, officers have considered additional submissions made by and on behalf of Headcorn Parish Council.

- 2.44 Having taken all factors into consideration, and after reviewing the views of the Parish Council's legal advisors, officers remain of the opinion that the underpinning vision and direction of the NDP does not meet the Basic Conditions and cannot be modified in order to do so.
- 2.45 Nothing raised is considered to have sufficient weight to sway officers' views or to fundamentally change their position of being in agreement with the Examiner's conclusions that the Headcorn NDP fails to meet the noted Basic Conditions and that modifications to individual policies would therefore not change this position.
-

3. AVAILABLE OPTIONS

- 3.1 One option open to the Committee is to agree with the Examiner's findings, and the further analysis of officers, and not move the NDP to referendum.
- 3.2 Mr Edge has made only one recommendation: that the NDP does not meet Basic Conditions and should therefore not proceed to referendum. The reasons and justification have been explored in his report and have been further considered in this report to the Committee.
- 3.3 The alternative of re-writing the NDP through making a number of major modifications and drafting reasoned justification to support those changes is not a realistic option. Furthermore, it may need more evidence gathering before modifications could be decided upon.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is the recommendation of officers that the Committee follows the recommendations set out both at the beginning of this report, and in paragraph 3.1, above, and as further explained in the body of this report.
- 4.2 Further it is the view of officers that given the substantive re-drafting and evidence gathering required to bring the NDP into conformity and to meet the Basic Conditions, that the Steering Group and Parish Council should be advised to consider starting over, and returning to the pre-submission stage (Regulation 14) before formally re-submitting a revised plan for consultation and examination.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The NDP has been subject to two formal stages of consultation as well as a number of informal stages during its preparation. The Examiner also took the unusual step of convening a hearing to allow for further exploration of key issues among representors.
- 5.2 This Committee has been kept regularly apprised of the progress of the NDP including agreeing the formal consultation response, being updated on issues with the examination, and being provided details of the hearing.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the Committee agrees the recommendations set out in this report no further action is needed, other than to advise the Parish Council of the decision and publish the decision in accordance with the Regulations. The Parish Council has the option to redraft the NDP and to re-consult at the Regulation 14 stage⁹ and onward through the plan making process.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The NDP was not written in such a way as to be in general conformity with strategic policies of the adopted Local Plan, or with the NPPF. In this regard it does not align with the objectives of the Council's Strategic Plan or the Corporate Priorities.	Rob Jarman, Head of Planning & Development
Risk Management	There are risks to be considered in regard to the content and recommendations of this report. Should the Committee agree the recommendations as set out it must be confident that officers have scrutinised the Examiner's report and other material subsequently received and come to a balanced view on the appropriate way forward, taking all things into consideration and by using the full scope of its abilities as prescribed in Regulations. A legal challenge to any decision of this Committee could be mounted by the Parish Council but this risk is minimised by obtaining Legal advice. If the Committee chooses to go ahead with a referendum, against the recommendation of the Examiner, and the further consideration and	Rob Jarman, Head of Planning & Development

⁹ The Neighbourhood Planning (General) Regulations 2012

	recommendations of officers, the Committee’s decision could similarly be open to legal challenge from one or more of the representors.	
Financial	All costs for the formal consultation, examination and any referendum fall to the Local Planning Authority in the first instance, and are then recouped through specific grant applications once a referendum is arranged. If no referendum is arranged, all associated costs up to that point will have to be met by the Council. The main costs to date for the Headcorn Neighbourhood Plan are the Examiner’s costs, which amount to £10,605. In this case there is funding available from the overall Neighbourhood Planning grant pot to meet these costs. However, this means there will be less funding to facilitate future plans.	Mark Green, Section 151 Officer & Finance Team
Staffing	Resourcing Neighbourhood Planning sits in the Spatial Policy team. There are no issues in regard to staffing arising from the Examination or this report.	Rob Jarman, Head of Planning & Development
Legal	All stages of the plan making process, including the examination have been in accordance with regulatory requirements. Legal and Counsel advice regarding the recommendations of the Examiner’s report was obtained and has been taken into account in the preparation of this report.	Russell Fitzpatrick, MKLS Planning Team
Equality Impact Needs Assessment	It should be noted that an Equalities Impact Assessment was not completed to support the NDP and this was highlighted by the Examiner. However, the consultation undertaken by MBC after	Equalities and Corporate Policy Officer

	submission of the NDP was fully inclusive and sought the views of the wider local community.	
Environmental/Sustainable Development	<p>Arguments over what constitutes sustainability predicated the formulation of the NDP and its policies, and underpinned the Examiner’s consideration of key issues.</p> <p>The submitted NDP was screened to assess the need for a Strategic Environmental Assessment. It was concluded that it was not a requirement, and this was agreed by the statutory consultees (Historic England; Natural England; Environment Agency.)</p>	Rob Jarman, Head of Planning & Development
Community Safety	There are no implications arising from this report.	Rob Jarman, Head of Planning & Development
Human Rights Act	A fundamental concern of the Examiner was the lack of assessment by the Parish Council of the impacts of the Plan and whether it could demonstrate it was not in breach of either the Act or the European Convention on Human Rights. The issue is briefly explored in the report, and the Examiner’s concerns are set out in his report (at Appendix 1). If the Committee was to proceed against the recommendation of the Examiner there could be implications in regard to the provisions of the Act.	Rob Jarman, Head of Planning & Development
Procurement	The Examiner was procured under an agreed procurement waiver. There are no implications for procurement in regard to the Examiner’s report.	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
Asset Management	There are no implications arising from this report.	Rob Jarman, Head of Planning &

		Development
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8. REPORT APPENDICES

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

- Appendix 1: Headcorn Neighbourhood Plan 2011 – 2031. A Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan.

9. BACKGROUND PAPERS

There are none.

9

Headcorn Neighbourhood Plan 2011 – 2031

A Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

**Jeremy Edge BSc (Hons) FRICS MRTPI
Edge Planning & Development LLP**

19th March 2017

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Appendices

Appendix 1: Background Documents

Appendix 2: Agenda for Headcorn Neighbourhood Plan
Examination Hearing on 18th October 2016

1.0 Introduction and Role of the Independent Examiner

1.1 Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Headcorn Neighbourhood Plan 2011 – 2031, 2015 – Regulation 16 Consultation version, provided to me by Maidstone Borough Council. This is the version that appears on the Council’s web-site for Regulation 16 Consultation and is consistent with the Consultation Statement prepared by Headcorn Parish Council dated November 2015.

1.1 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan or to examine other material considerations.

1.2 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following “basic conditions”;

- it must have appropriate regard for national policy;
- it must contribute towards the achievement of sustainable development;
- it must be in general conformity with the strategic policies of the development plan for the local area;
- it must be compatible with human rights requirements and
- it must be compatible with EU obligations.

1.2 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:

- (a) that the draft order is submitted to a referendum, or
- (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
- (c) that the proposal for the order is refused.

1.3 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Headcorn Neighbourhood Plan Area, to which the Plan relates.

- 1.4 I make my recommendation at the end of this Report.
- 1.5 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.
- 1.6 The introduction to the draft Headcorn Neighbourhood Plan (NDP) explains that the settlement has many advantages, although located within a rural area, in geographic terms Headcorn is relatively far from all major population and employment centres and consequently Headcorn is not well placed to support growth and innovation in key centres with populations of more than 10,000. The premise upon which the Plan is founded is to maximise local opportunities and supporting the needs of local people and businesses.
- 1.7 The apparent relative poor accessibility of Headcorn as a settlement as outlined in the introduction of the Plan, makes only passing reference to a direct rail link to London. As I understand matters, the railway provides a twice an hour service to Ashford (15 minutes) from which connections to London St Pancras are available taking 36 minutes, alternatively a direct rail service to London Cannon Street takes about 1 hour 10 minutes, with access to other employment centres *en-route*. The rail station at Headcorn also appears to provide transport for school children in addition to adults for journeys to work. It is apparent that Headcorn offers acceptable road access to other employment centres, notably Maidstone and as a consequence I find it unsurprising that Headcorn is designated as a Rural Service Centre within Maidstone Borough Council's settlement hierarchy, a status which Headcorn has held since 2006, and under which Headcorn continues to be viewed by the Borough Council as a village that is capable of accommodating minor development within the envelope of development on the policies map in saved Policy H27 of the Local Plan 2000 .
- 1.8 The HNP Consultation Statement sets out the chronology of events that took place since the decision of the Parish Council to embark on the preparation of a neighbourhood plan for Headcorn in October 2012. I understand that the neighbourhood area submitted by Headcorn Parish Council to Maidstone Borough Council on 3rd December 2012 was approved on 8th April 2013.
- 1.9 The Consultation Statement and HNP explain that surveys to inform the preparation of the Plan and draft policies were undertaken during summer 2013. The Parish Council agreed that the NDP authors would be Dr Rebecca Driver and Mr Michael Jeffries, in October 2013. The Consultation Statement further explains that the survey results were explained to the

residents, local businesses and Maidstone Borough Council (MBC) in November and December 2013. The Consultation Statement explains the extent of public engagement in preparing the draft Plan, including summarising the infrastructure concerns considered with consultees during the preparation of the Plan. I am in no doubt that the consultation process undertaken by the Parish Council has been thorough and is entirely satisfactory.

1.10 I attach in Appendix 1 a schedule of documents to which I have referred in undertaking this examination.

1.11 In order that I could be better informed about several issues pertinent to the neighbourhood plan, I requested that a hearing should take to explore these matters. This was convened on 18th October 2016 in Headcorn Village Hall and was attended by representatives of the Parish Council, Officers from Maidstone Borough Council, Kent County Council, various Regulation 16 consultees and members of the public. In advance of the hearing, MBC Officer Mrs Parks arranged for the agenda to be circulated to the parties attending the hearing. A copy of the Agenda is attached at Appendix 2. The issues considered at the hearing largely reflected my concerns as to whether the draft HNP met the Basic Conditions test and if not, whether the draft policies within the Plan might be appropriately modified.

2.0 **Basic Conditions**

2.1 I now consider the extent to which the Plan meets the “basic conditions”. A Basic Conditions Statement was prepared in November 2015 by the Parish Council. It briefly explains the requirements of the HNP to meet the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its conformity with the strategic policies for the development of the area.

2.2 The Basic Conditions Statement confirms that the plan meets other legal requirements, as follows:

- the draft plan is being submitted by a qualifying body (as defined by the Act)
- what is being proposed is a neighbourhood plan (as defined in the Act)
- the proposed HNP states the period for which it is to have effect
- confirmation that the policies do not relate to ‘excluded development’
- confirmation that the proposed neighbourhood plan does not relate to more than one neighbourhood area
- confirmation that there are no other neighbourhood plans place within the neighbourhood area.

- 2.3 The Basic Conditions Statement explains how the HNP is compatible with EU obligations and does not breach those obligations, although I have reservations about the extent to which this is the case in relation to human rights, as explained later in this report. This Statement has been supplied to me by Maidstone Borough Council together with other examination documents comprising the Plan, the Consultation Statement and a Strategic Environmental Assessment and Habitat Regulation Screening Report, the conclusion of the latter being that the Regulation 16 Neighbourhood Plan is that if made, the Plan is not likely to have a significant effect on the environment. The SEA and Habitat Regulation Screening Report further concluded that the HNP is unlikely to cause a significant effect on a European site and will not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive, (Art 3.2 (b)).
- 2.4 The Basic Conditions Statement seeks to demonstrate how the Headcorn Neighbourhood Plan conforms with the provision made under sections 61E of the Town & Country Planning Act 1990, as amended by the Localism Act 2011. I am content that the HNP meets the requirements of The Town & Country Planning Act 1990, s 61 G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.
- 2.5 ***Regard to the National Planning Policy Framework (NPPF) – Shared Vision***
- 2.6 The Parish Council's vision for Headcorn is clearly set out in the draft neighbourhood plan and restated in the Basic Conditions Statement at page 6 as follows:

“Vision for Headcorn

HPC's vision is for Headcorn to continue to thrive as a friendly, rural village community with a strong local economy. We believe that Headcorn should evolve gradually over time in a way that, through appropriate choices of the scale and design of individual developments, preserves and enhances the distinctive character, landscape and setting of the village, while meeting the needs of local residents and businesses. This will be achieved by:

- Maintaining a sense of being a country village, with a strong local community.*
- Supporting a vibrant local economy, based around the High Street, agriculture, leisure, tourism and small business enterprise.*
- Ensuring the village is supported by a robust infrastructure, designed to meet the needs of local residents and businesses.*
- Ensuring that there is a robust policy framework governing development in the countryside around Headcorn that will support both local needs and the benefits residents receive from being surrounded by beautiful countryside.*
- Ensuring that development in the Parish is managed in a way that is sustainable; promotes small scale development; is well designed; is capable of meeting the*

needs of local residents in different age groups and family units; and is in keeping with its setting.”

- 2.7 In relation to the presumption in favour of sustainable development, the NPPF advises that all plans should be based upon this presumption with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular, neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.
- 2.8 The Basic Conditions Statement refers to the requirement in the NPPF at paragraphs 183-185. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and
 - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 2.9 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.
- 2.10 At the hearing on 18th October 2016, the extent to which a "shared vision" of the future of Headcorn, as envisaged in the NPPF at paragraph 183 of the NPPF and the NPPG was considered. It was clear that the approach to growth was not aligned between MBC and the Parish Council. The Parish Council plainly favours organic growth, but based upon meeting the needs of the local community, as represented for example by Policy HNP9, concerning

affordable housing provision. The vision for the future of Headcorn appears to be driven from its perception of the settlement as being relatively inaccessible within the County. This is clearly set out in the introduction to the draft neighbourhood plan. Conversely, for more than a decade, MBC has identified Headcorn as a second-tier settlement within the Borough Council's administrative area and has identified Headcorn, with certain other settlements, as a Rural Service Centre (RSC). At the hearing, the designation of Headcorn as an RSC was explained by Mr Fullwood (MBC), that the perspective of the Borough Council is wider than that of the Parish. The latter explained that it was seeking organic growth over the Plan period to 2031. Mr Fullwood advised that the settlement was performing well as a Rural Service Centre and as such Headcorn had the capacity to accept more housing, although acknowledged that the Parish Council had agreed to accept up to 30 houses although there were no specific housing allocations.

- 2.11 In relation to whether there was a shared vision between the Parish and Borough Councils, the Parish Council and MBC conceded that there were differences, although it is evident that the vision of the future of Headcorn has very strong support from residents. Mr Fullwood (MBC), explained that the perspective of the Borough Council is wider than that of the Parish. Dr Driver for the Parish Council's HNP Steering Group explained that it was seeking organic growth over the Plan period to 2031. Mr Fullwood advised that the settlement was performing well as a Rural Service Centre (RSC) and as such Headcorn had the capacity to accept more housing.
- 2.12 Concerning Rural Service Centres, Mrs Horsford of the Parish Council considered that the RSC concept was not relevant to Headcorn, indicating in her opinion such designation should reflect the location itself, and not just assume the term RSC is synonymous with sustainable development. The views expressed by Mrs Horsford were that Headcorn is a village located a significant distance from any urban areas and this needs to be reflected in development patterns, rather than simply assuming the term RSC means Headcorn can absorb urban style development. The Parish Council considered the urban area of Maidstone itself was more sustainable as a location for development and had a significant number of unallocated sites identified through the SHLAA, but that many other settlements in the Borough, such as Sutton Valence, offered greater opportunities for sustainable development. The residents of Headcorn indicated that they were not anti-development, but that they sought development to be sustainable and reflect the character of their area. The Parish Council considered other settlements, such as Sutton Valence offered greater opportunities for sustainable development. I note that Appendix A to the Basic Conditions Statement, being the record of the decision of Maidstone Borough Council approving

Headcorn Parish as a Neighbourhood Plan Area (made on 8th April 2013), refers to the identification of Headcorn as a Rural Service Centre.

- 2.13 The Parish Council considered only two settlements were accessible from Headcorn in under an hour by public transport, namely Ashford and Tonbridge, but commuting between these was relatively weak. Dr Driver indicated that from 202 new dwellings built in the Parish between 2001 and 2011, this resulted in only 2 additional people using trains. I understand that that only 1.5% of those commuting from Headcorn to Tonbridge do so by train and only 5.2% of those commuting to Ashford. Nonetheless, compared to other settlements without the modal choice of rail travel, it is understandable that the rail based opportunity is an important and sustainable factor in the earlier and continued designation of Headcorn as an RSC.
- 2.14 The policies of the draft neighbourhood plan for Headcorn are predicated on the vision for the settlement to 2031. In the light of the differences between the Parish Council and MBC regarding the vision for the future of Headcorn, it is unsurprising that there are differences between these bodies in relation to the policy approach that should be adopted in preparing plans for the purposes of development management of the Parish in the neighbourhood plan.
- 2.15 Having set out the Vision for Headcorn, the draft HNP then seeks to demonstrate how the Plan would meet the NPPF by reference to relevant NPPF chapter headings as follows:
- Building a strong, competitive economy (and) supporting a prosperous rural economy
 - Ensuring the vitality of town (and village) centres
 - Promoting sustainable transport
 - Delivering a wide choice of high quality homes
 - Requiring good design
 - Promoting healthy communities
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 2.16 In preparing the HNP, a different interpretation of the NPPF has been taken by the Parish Council in the preparation of the Plan and the draft policies in relation to what constitutes sustainable development as outlined in the NPPF. The draft HNP recites the three dimensions, (economic, social and environmental) that influence and require the planning system to perform in fulfilling these three specific roles. In addition, the draft plan adds a

further geographic dimension – the rural location. The Plan argues at page 15 for rural development to be provided where needed but to concentrate the provision of housing in urban areas and refers to NPPF paragraph 54 in this context:

“54. In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.”

2.17 Whilst I concur that local needs and local circumstances need to be reflected in the preparation of neighbourhood plans, the wider strategic policies of the adopted local plan should be respected if the Plan is to meet the Basic Conditions test. In the case of Headcorn, the adopted Local Plan is the Maidstone Borough Wide Local Plan, adopted in 2000. The draft Maidstone Borough Local Plan, prepared to replace the saved policies of extant adopted Local Plan has been prepared contemporaneously with the HNP. The Maidstone Borough Local Plan, if adopted, will provide a framework for development until 2031 and the HNP has also been prepared to run to that date. Maidstone Borough Council states on its web site relating to the draft Local Plan, that the policies will be used to make decisions on planning applications. *“The countryside is an important part of Maidstone, and the best way to protect it is to allocate specific sites for development. This way we will have the power to fight developments that are not suitable for our communities.”* Unlike the draft Local Plan, the Headcorn Neighbourhood Plan has not been prepared based on allocating specific sites. This is unfortunate, since with the duty to co-operate, it would normally be expected that the advice in the NPPG would be followed, which states:

“A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- a. the emerging neighbourhood plan;*
- b. the emerging Local Plan;*
- c. the adopted development plan;*

d. *with appropriate regard to national policy and guidance.*

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

Paragraph: 009 Reference ID: 41-009-20160211

Revision date: 11 02 2016

2.18 The approach taken by Headcorn Parish Council in assessing housing need for Headcorn is I understand, directly based on MBC’s SHMA. However, unlike Headcorn, MBC has identified specific sites in its housing policies for housing development. Within the Headcorn NP, the housing sites considered are shown in Appendix 4, figure 29 at page 143 and rank ordered in relation to an assessment of sustainability. These sites considered appropriate for development are not however included in a policy for development management purposes within the HNP. It is unfortunate that there is not a shared vision regarding housing allocations in the Headcorn NP housing policies, given the contemporaneous assessment with MBC, but I do not consider this alone to be fatal to the Plan in relation to the Basic Conditions test.

2.19 **HNP Housing Policies**

2.20 In providing evidence for the draft Local Plan, the SHMA Update – Implications of 2012-Based Household Projections Ashford, Maidstone, and Tonbridge and Malling Borough Councils, Final Report, June 2015, prepared by GL Hearn, helpfully summarises the national planning policy advice contained within the NPPF and NPPG in relation to the preparation of objectively assessed housing need. The NPPF sets a presumption in favour of sustainable development whereby Local Plans should meet objectively assessed development needs, with sufficient flexibility to respond to rapid change, unless the adverse impacts of doing so would significantly or demonstrably outweigh the benefits or policies within the Framework

indicate that development should be restricted. The NPPF highlights the Strategic Housing Market Assessment (SHMA) as a key piece of evidence in determining housing needs. Paragraph 159 in the Framework outlines that this should identify the scale and mix of housing and the range of tenures which the local population is likely to need over the plan period which:

- Meets household and population projections, taking account of migration and demographic change;
- Addresses the need for all types of housing, including affordable housing and the needs of different groups in the community; and
- Caters for housing demand and the scale of housing supply necessary to meet this demand.

2.21 This is reaffirmed in the NPPF in Paragraph 50. The SHMA is intended to be prepared for the housing market area, and include work and dialogue with neighbouring authorities where the HMA crosses administrative boundaries.

2.22 Paragraph 181 of the NPPF sets out that LPAs will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. Paragraph 158 of the NPPF also emphasises the alignment of the housing and economic evidence base and policy. Paragraph 17 in the NPPF reaffirms this, and outlines that planning should also take account of market signals, such as land prices and housing affordability. It also makes clear that plans must be deliverable.

2.23 National Planning Practice Guidance was issued by Government in March 2014 on ‘Assessment of Housing and Economic Development Needs’. The Guidance provides clarity on how key elements of the NPPF should be interpreted, including the approach to deriving an objective assessment of the need for housing. The Guidance defines “need” as referring to: “the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet this need.”

2.24 It sets out that the assessment of need should be realistic in taking account of the particular nature of that area, and should be based on future scenarios that could be reasonably expected to occur. It should not take account of supply-side factors or development constraints. The Guidance states that:

“plan makers should not apply constraints to the overall assessment of need, such as

limitations imposed by the supply of land for new development, historical under performance, infrastructure or environmental constraints. However these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans.”

- 2.25 The Guidance states that estimating future need is not an exact science and that there is no one methodological approach or dataset which will provide a definitive assessment of need. However, the starting point for establishing the need for housing should be the latest household projections published by the Department for Communities and Local Government. It acknowledges that there may be instances where national projections require adjustment to take account of factors affecting local demography or household formation rates, in particular where there is evidence that household formation rates are or have been constrained by supply. It suggests that proportional adjustments should be made where the market signals point to supply being constrained relative to long-term trends or to other areas in order to improve affordability.
- 2.26 Regarding employment trends, the Guidance indicates that job growth trends and/or economic forecasts should be considered having regard to the growth in working-age population in the housing market area. It sets out that where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns (depending on public transport accessibility and other sustainable options such as walking and cycling) and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing and infrastructure development could help to address these problems.
- 2.27 The National Planning Practice Guidance (NPPG) is explicit regarding the status which should be accorded to assessments of OAN, setting out that:
- “assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.”*
- 2.28 The NPPF and Practice Guidance set out a clear approach to defining OAN for housing. As I understand matters, the approach outlined above is the approach adopted by GL Hearn on behalf of Maidstone Borough Council in undertaking its OAN for the draft Local Plan. It is understood that the Parish Council used the same data in deriving its own OAN, yet Headcorn has reached different conclusions regarding housing need and the need for

affordable housing over the same time horizon. These differing conclusions contribute to the lack of a shared vision for the future of Headcorn over the plan period.

- 2.29 At the hearing, it was evident that the Parish Council had drawn on the Borough Council's SHMA report in relation to the expected emerging households within the Parish being in the region of 277 households, based on 2011 population projections and pointed to a 10% fall in households in the updated 2012 projections. The Parish Council considered that three important issues in determining housing need were economic needs, social sustainability and environmental effects of additional housing. In relation to local business expansion, there was not a need for further residents in Headcorn and no need for additional housing, as recent planning permissions meant that no additional housing would be needed to meet the needs of local businesses. There were concerns from the Parish that significant further housing would harm the distinctiveness of Headcorn and that additional housing would alter commuting patterns leading to harmful environmental effects. There was also considerable concern about the impact on social sustainability of factors such as poor access to secondary schools, poor access to hospitals, the high cost of living, high commuting costs and poor access to key jobs markets.
- 2.30 The NPPG advises (at paragraph: 040 Reference ID: 3-040-20140306) that where *"...a neighbourhood plan comes forward before an up to date Local Plan is in place, the local planning authority should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress and to share evidence used to prepare their plan. Neighbourhood plans should deliver against the objectively assessed evidence of needs."* This is the position in Headcorn, it is evident that whilst there has been some sharing of evidence in the preparation of the HNP, the interpretation differs between the Parish Council and MBC. The housing policies in the HNP reflect the interpretation of the evidence made by the Parish Council, but I am not persuaded that they reflect existing planning policy or the policy thrust of the NPPF. Whilst it might be suggested that extant Policy H27, which is based on the rural housing policies of the Kent Structure Plan 1996, only facilitates minor development, altering a village boundary in to facilitate additional housing development within a neighbourhood plan subject to appropriate consultation having taken place, could appear a satisfactory way forward and one which has been undertaken satisfactorily elsewhere to facilitate planned housing development, recognising that if the draft Local Plan is adopted, those policies would "trump" the policies of the HNP.
- 2.31 At the hearing, I ventilated these anxieties, recognising the very high level of support that the draft policies had received locally through public consultation, demonstrating the clear preferences of the local community. In raising these concerns later in the day, the parties

agreed to try to work through the differences with a view to establishing whether there might be changes to the policies which could lead to policy alterations, or deletion of policies that might, subject to appropriate evidence based justification, prove to be consistent with national planning policy guidance and currently adopted strategic planning policies of MBC, in order for me to be satisfied that subject to such changes the Plan might be said to meet the Basic Conditions. These discussions took place on the understanding that I might not in the event be able to recommend such policy alterations discussed.

2.32 In relation to Policy HNP6 which caps development to 30 dwellings, I was concerned that this would cut across the third of the core planning principles in the NPPF at paragraph 17 which states:

“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;”

2.33 The Parish Council’s justification for limiting development to only 30 dwellings relates to the ability of the community to absorb new residents within the community, maintenance of the “village feel”, ensuring high quality design and appropriate use of materials and to enable the housing stock to adjust to changing housing needs and circumstances (page 62 of the HNP). At the hearing, the Parish Council indicated a willingness to increase the cap to 60 dwellings per large site. In relation to both satisfying housing need and meeting supply aspirations, I am not convinced that the Parish Council’s justification for a cap on housing numbers in Policy HNP6, whether 30, 60 or another number, without clear site allocations relating to site characteristics would be anything other than arbitrary. Such a restriction would I believe, be contrary to national planning policy to *“Proactively drive and support sustainable economic development to deliver the homes...”* and *“...respond positively to wider opportunities for growth...”*

2.34 For the same reasoning, I find that Policy HNP7 is similarly overly restrictive and arbitrary. There is no clear evidence that developing more than 45 new dwellings, comprising individual developments of no more than 9 dwellings (*Larger Developments*), should be developed in the period up to 2026 (subject to a review in 2021) and that thereafter targets should be reviewed in 2026. In the course of the hearing it was accepted by the Parish Council that it would be reasonable and appropriate to delete draft Policy HNP7.

2.35 In relation to draft Policy HNP13: Density and Coverage, housing density is capped at 30 dwellings per hectare. The Parish Council explained at the hearing that the average housing density in the village was only 15 dwellings per hectare and Policy HNP would therefore allow for a doubling of the current average density. Mr Fullwood, on behalf of Maidstone Borough Council made various points of concern regarding the proposed density restriction including that within the centre of the village higher density development could in certain circumstances be appropriate within the conservation area; the policy would apply equally to small affordable dwellings which frequently need to be developed at higher densities to be affordable; and the lack of clarity within the policy as to whether the 30 dpha cap should apply to the net or gross site areas. I note that from the Residents' Survey and consultation that parishioners sought a range of dwelling sizes to be provided in new developments. I also note that the supporting text in the HNP refers to the need for flexibility to allow new development to reflect changing needs and demand for housing over the life of the plan. This approach would be consistent with the expectation that planning policies should also be responsive to market signals as advocated in the NPPF Core Principles, at paragraph 17. This would not indicate a prescriptive cap should be applied. At the hearing, I indicated that I thought that HNP13 should be deleted from the Plan as this would not reflect national policy in the NPPF. I remain of that opinion.

2.36 ***Affordable homes***

2.37 Maidstone Borough Council's adopted affordable housing policy is contained within the Affordable Housing Development Plan Document (DPD), December 2006. Policy AH 1, states that on sites of 15 units or more, or 0.5 ha and greater, the Council will seek 40% of the dwellings to be affordable dwellings, other than in exceptional circumstances and on allocated greenfield sites, the Council may seek more than 40%. In the case of the draft affordable housing policy, HNP 9, the target rate for affordable homes is 20%, for Large Village Developments (being more than 9 houses), with a tenure split being shared ownership for the first two of three affordable homes, the balance being social rented housing. Policy HNP9 is not therefore compliant with Affordable Housing Development Plan Document Policy AH1, Adopted, December 2006. The Affordable Housing DPD was one of the first planning policy documents to be adopted under the Council's Local Development Scheme, and Policy AH1 replaces Policy H24 of the Maidstone Borough-Wide Local Plan (2000). Policy AH1, at paragraph 1.7 of the Affordable Housing DPD, "*...seeks to negotiate a minimum 40% affordable housing provision for all new residential units on suitable sites...*" The policy further requires, "*... of the 40% affordable housing, not less than 60% of units should provide for new rental (representing 24% of the total site yield) and 40% of*

dwellings should provide for shared ownership, shared equity and discounted market rent properties (16% of the total site yield). ”

- 2.38 This strategic adopted local planning policy has been effective for the last ten years. Maidstone Borough Council’s “Maidstone Housing Strategy 2016 – 2020” described as being an overarching plan that guides the Council and its partners in tackling the major housing challenges facing the borough sets out the priorities and outcomes that the Council wishes to achieve. The Housing Strategy refers to the Maidstone Strategic Housing Market Assessment (2014) which identifies that the Council has a net affordable housing need of 5,800 households in the period 2013 to 2031, equivalent to 322 affordable homes each year (which is 35% of the Council’s objectively assessed need of 928 dwellings p.a.). The Housing Strategy notes that in relation to tenure, across the Borough as a whole, it is estimated that some 67% of need is for social or affordable rent tenures, whilst around 33% is for intermediate housing. Smaller (one and two bedroom) dwellings account for between 60% and 70% of the need with larger (three and above) dwellings accounting for between 30% and 40%.
- 2.39 Concerning housing need, the Housing Strategy confirms that property within the villages and small towns are expensive; reflecting the attractiveness of the Borough, but that many local people are priced out of the housing market and unable to afford to live locally. The result being that many young couples and families have been forced to move away elsewhere in search of more affordable accommodation. The Housing Strategy notes that this can have a detrimental effect on the balance and sustainability of the local community. Through the provision of affordable housing in rural locations, the Housing Strategy advises that local people can be assisted to remain in the village or town where they have strong family or employment ties.
- 2.40 The Maidstone Strategic Housing Market Assessment (January 2014) showed that over a quarter of households have an income below £20,000 with a further third in the range of £20,000 to £40,000. The overall average income of all households in the Borough was estimated to be around £31,600 with a mean income of £42,000. The Housing Strategy demonstrates that in the rural areas within the Borough, at least 40% of households could not afford to access market housing based on income levels on data from the Maidstone Strategic Housing Market Assessment (January 2014).
- 2.41 The housing needs assessment undertaken by GL Hearn as part of the evidence base for the local plan appears to support the existing policy for affordable housing provision in the adopted affordable housing policy in Policy AH1. At the Hearing, HPC argued that the

choice for the level and mix of affordable housing in the HNP was informed by both economic and social sustainability considerations, together with a housing-needs survey. However, to meet the Basic Conditions test, neighbourhood plan policies need to be in conformity with the strategic policies of Maidstone Borough Council. In my opinion there is insufficient justification to prefer the Parish Council's assessment of housing need in relation to affordable housing policy compared with current Boroughwide adopted policy and evidence supporting the emerging policy in relation to affordable housing provision delivered through the planning system. In any event (and without having regard to emerging local plan policy), draft policy HNP 9 would not in my judgment meet the Basic Conditions test of being in general conformity with the strategic policies of the development plan for the local area in relation to the target amount of affordable housing sought, or expected, in relation to affordable housing tenure.

2.42 ***Water management and the risk of flooding.***

2.43 It is evident that Headcorn village has suffered for many years from flooding. At the hearing I was supplied with a number of laminated photographs showing extensive flooding including evidence of sewage surcharged from the village sewer system. It was explained at the hearing that Southern Water and KCC were in discussions regarding the problem and the solution required. There were clear and understandable frustrations from parish representatives that the problems associated with the flooding problem were yet to be resolved. The frustration with the unresolved waste water and rainwater management has influenced the preparation of Policy HNP11. This policy seeks two pre-conditions before further Small Village Developments or Larger Village Developments will be granted. The first pre-condition is that the sewerage system within Headcorn shall have been upgraded to ensure that adequate capacity exists to cope with existing demands as well as the demands imposed by the proposed new development. The policy states that the provision of holding tanks would not be sufficient. The second pre-condition relates to the provision of sufficient land adjacent to the current school to facilitate the expansion of the school to two form entry, including the playing facilities at no lower quality than provided at present.

2.44 The first pre-condition has been the subject of various objections from Southern Water. I understand from the helpful comments made at the hearing from Southern Water's representatives that the external flooding is due to rainwater affecting the pumping station in Moat Road and caused by surface water entering the sewerage system which the network was not designed to convey. An integrated scheme is being modelled to overcome the problems to deliver capacity for new development and overcome the pre-existing problems.

- 2.45 The pre-condition proposed by the Parish Council in HNP11 would place a disproportionate burden upon housing developers in Headcorn to either meet the cost of remedying existing problems, in addition to the impact of the new housing proposed, or in the alternative, to wait until pre-existing problems have been remedied. Such a burden would be inequitable and contrary to and inconsistent with the NPPF and NPPG, as previously explained by Southern Water. I agree that it would not be appropriate for the planning system to expect development to remedy pre-existing problems or be frustrated in bring forward new housing providing this would not exacerbate drainage conditions through appropriate mitigation.
- 2.46 Strategic Flood Risk Assessment (SFRA) prepared in 2008 has I understand been updated but at the time of the hearing this was nearing completion. The flood zones attributable to the River Beult, in HNP3 will have been revised and the map in HNP3 will need to be reviewed. I understand that consequently, there are no significant changes required to the housing allocations in the Local Plan, most which already have planning permission. In the light of the information provided during the hearing and having regard to the observations of the Parish Council and consultees, I am of the opinion that the first pre-condition is not appropriate in terms of planning policy and that planning conditions requiring that new development should not exacerbate existing drainage conditions would suffice in most circumstances, although there may be a need to secure mitigation through a planning agreement under s106 of the Town & Country Planning Act 1990 (as amended) where financial contributions are considered relevant.
- 2.47 In relation to the need for expansion land for the school site, Mr Abrahams from KCC explained that the proposal was to increase the capacity of the primary school in Headcorn to two-form entry with a capacity of 420 pupils. There was therefore a need for additional land. Mr Abrahams explained that a planning obligation was in place to enable the land to be transferred to the County Council for expansion of the primary school following the grant of planning permission on 10th August 2016 (MA/16/503892). The school expansion is due to increase from 1 form entry to 2 form entry for September 2017. Mr Abrahams commented that he thought the pre-condition was both appropriate and helpful and as development MA/16/503892 was subject to a judicial review, considered that the pre-condition should remain. I note that planning permission has subsequently been approved for an updated Ecology Method Statement and a detailed sustainable surface water drainage scheme, pursuant to conditions 10 and 13 of planning permission MA/16/503892, under reference KCC/MA/0263/2016, which was approved on 5th January 2017. In addition, under reference KCC/MA/0297/2016, I further note that planning permission relating to details of all materials to be used externally was approved on 20th December 2016. It appears that the intention on the part of Kent County Council to deliver the additional development to meet the need for a

two-form entry school at Headcorn remains. It would therefore appear that the need for the second pre-condition in Policy HNP11 has fallen away.

2.48 **Local Green Space**

2.49 Policy HNP4 refers to the inclusion of Local Green Spaces (LGS) within the HNP, but the Plan omits to include a policy to include the justification for including particular areas as LGS. The LGS areas are listed on pages 53 and 54 of the supporting text and identified on Figure 18, although this map is of an inadequate scale to clearly identify the proposed Local Green Spaces. Paragraph 77 of the NPPF sets out the criteria that need to be satisfied to designate areas of Local Green Space as follows:

“77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*

2.50 I anticipate that the first and third criteria would be satisfied, but it is not evident from the HNP why these five areas are demonstrably special to the local community and whether they hold adequate local significance to warrant LGS designation. Without such justification, the LGS areas proposed would not comply with the requirements of the NPPF, and would not therefore meet the Basic Conditions test. In my view, an examiner would expect to see within the policies section of the draft neighbourhood plan, a list of the proposed Local Green Spaces together with plans, clearly delineating the boundaries of the proposed LGS areas, a draft planning policy indicating how the LGS sites should be considered for development management purposes and the justification as to why these specific areas have been selected, following the guidance in the NPPF at paragraph 77. Normally, the arrangements for long term property management and maintenance of LGS will also be a consideration.

2.51 **Employment development**

2.52 Draft Policy HNP21 seeks to promote employment development at Barradale Farm during the Plan period (2011-2031) with planning permission for up to an additional 5,500m² of B1; B2 and B8 development. At the hearing a discussion took place as to whether it would be

too prescriptive to limit development of individual units to no more than 500m² each. The HNP states at page 107 in introducing this topic that Headcorn is relatively far from local urban centres and motorway access, notwithstanding that Headcorn has a thriving local economy based on small and medium sized enterprises. The Parish Council indicated that there was a clear preference for the small businesses to be encouraged in the parish (69%) and that 79% of local businesses employed between 1-10 people, justifying a restrictive small employment space policy.

2.53 The Borough Council disagreed and saw this as an attempt to micro-manage the provision of small business units. Having regard to the nature of employment within the settlement, it would appear likely that demand for employment space is likely to arise from small businesses and start-ups, although there is likely to be some need to cater for the expansion of existing enterprises to expand into larger accommodation within the Rural Service Centre. The employment potential offered by the Barradale Farm site is in any event small and the opportunities offered are already restricted in terms of development potential. Therefore, a small unit restriction may prove to be unnecessary as the demand to locate on this site is likely to be for use by small enterprises, reflecting the scale of the settlement.

2.54 Having regard to the core principles within the NPPF to proactively drive and support sustainable economic development, plans should take account of market signals, again allowing flexibility to take account of the needs of local businesses from time to time over the life of the Plan. To provide adequate flexibility and given the relatively small size of the site at Barradale Farm, there is little justification to cap the size of employment development to only 500 m² floorspace per unit. It was agreed at the hearing that the cap should be removed.

3.0 **Contribution to Sustainable Development and Conformity with the Strategic Policies for the local area**

3.1 There were 170 Regulation 16 consultation comments, many from residents supporting the proposals as well as several housebuilders who sought changes to the Plan policies. I am grateful to all parties who have contributed to the consultations and whose comments have not been expressly referred to in the preparation of this report. As identified above and in the light of the findings from the hearing, whilst having considerable local support, the HNP would not foster an acceptable contribution towards sustainable development that might otherwise be possible having regard to existing strategic local plan and national policy.

3.2 In preparing this report I consider there are HNP policies that may be regarded as being acceptable, having regard to the NPPF and existing saved policies of the local plan. Other policies not specifically referred to in this report would need revision in order that they might

be acceptable for development management purposes to meet the Basic Conditions test, or in the alternative, deleted.

3.3 Whilst considerable progress was made during the hearing in assessing changes that would be necessary in policy terms to make the HNP acceptable, there would nonetheless be the need to substantially re-write the Plan, if such policy changes were acceptable to the Parish Council. As part of this process, it would be necessary to re-cast the reasoned justification for those changes in the text. The scale of these changes would be beyond the remit of the examination process and the alterations would need clear justification related to survey information and assessment. There would in my opinion also remain a need to alter the affordable housing policy to comply with the adopted MBC policy for housing in rural areas.

4.0 **Public Consultation and The Consultation Statement**

4.1 Part 5 of The Neighbourhood Planning (General) Regulations 2012, “the Regulations”, makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process; and
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

4.2 The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process.

4.3 Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the HNP plan-making process has raised awareness and encouraged the community in Headcorn to understand and in some cases, query the draft policies as well as the Plan's scope and limitations.

4.4 The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees from 15th June 2015 until 31st July 2015, covering the Regulation 14 consultation. It is clear from the Consultation Statement that there has been an extensive amount of engagement with local community and statutory bodies, by the Steering Group using traditional means through public meetings, exhibitions and public events as well as via the use of social media (Facebook) and the parish website. The Regulation 16 Consultation was completed on 26th February 2016, I note that there were 170 responses filed on the Borough Council's website.

4.5 I am satisfied that the Consultation Statement complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

5.0 **Conformity with European Union Obligations**

5.1 I understand that Headcorn Parish Council requested a Strategic Environmental Assessment (SEA) screening opinion of an early draft Neighbourhood Plan (October 2014). The screening opinion concluded that, subject to consideration of the cumulative nature of the effects of the Plan, the emerging Neighbourhood Plan was not likely to have a significant effect on the environment. Also, the Headcorn Neighbourhood Plan was not considered likely to cause a significant effect on a European site and would not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

5.2 A further SEA and Habitat Regulation Assessment screening opinion was provided for the Headcorn Parish Neighbourhood Plan: 2011-2031, Regulation 14 Consultation, June 2015. This assessment also concluded that the Regulation 14 Neighbourhood Plan was not likely to have a significant effect on the environment. In addition, the Regulation 14 Headcorn Neighbourhood Plan was not considered likely to cause a significant effect on a European site and did not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)). This screening report was supported by the statutory consultees.

5.3 Maidstone Borough contains two sites of European importance: North Downs Woodlands to the west of the district is a Special Area of Conservation (SAC) and Queendown Warren SAC which lies on the northern border of Maidstone Borough. The Regulation 16 Headcorn Neighbourhood Plan Area to the south of Maidstone and the additional population generated by the HNP was considered to be less likely to place recreational pressure on these two sites of European importance to the north of the town and that the conclusion following the

Screening Assessment, was that the Regulation 16 Neighbourhood Plan was unlikely to have a significant effect on the environment. In addition, the Regulation 16 Headcorn Neighbourhood Plan was not considered likely to cause a significant effect on a European site and would not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)). I am satisfied that this is the case and concur that the HNP is considered compatible with the EU Habitats Directive.

6.0 **Compatibility with human rights requirements**

6.1 There is no assessment within the Basic Conditions Statement as to whether the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and whether it also complies with the Human Rights Act 1998. Neighbourhood plans must be compatible with human rights law. A useful approach to assessing impact on human rights would have been to have undertaken an equalities impact assessment. Such assessment has not been undertaken as far as I am aware. I am not suggesting that the freedoms guaranteed under the European Convention on Human Rights or the Human Rights Act 1998 would necessarily be breached if the proposed HNP were to be made, but no express assessment is referred to in the Basic Conditions Statement, or other documents relating to the HNP. I conclude that there has been no express consideration as to whether the HNP meets the Human Rights Act requirements, in the preparation of this Plan.

7.0 **Summary**

7.1 A significant amount of survey work and analysis has been undertaken by the Parish Council and the Steering Group in preparing and undertaking consultations with appropriate consultees and the local community. The draft Plan has been subject to revisions in response to consultation responses, but not in all cases. On a positive note, the preparation of the Plan has gained accolades from Planning Aid and this appears well deserved.

7.2 Whilst seeking to protect and maintain the distinctiveness of the settlement, differences have arisen in some areas regarding the vision of Headcorn's development in the period up to 2031. It appears that a fundamental difference stems from the assessment of sub-regional and local accessibility of Headcorn to and from other settlements mainly in Kent and London. At the hearing, these differences were explored. It is evident that there is not a shared vision for the future of Headcorn in the Plan period. This was recognised by the Borough and Parish Council representatives at the hearing.

- 7.3 Whilst the Borough Council has collected Borough wide data for the preparation of the Local Plan, now at an advanced stage, the Parish Council has also relied upon such data in undertaking its own assessments of need. Differences have arisen and the conclusions reached and the policies derived at a local parish level show in certain matters, a degree of conflict between the more growth orientated expectation for Headcorn of the Borough Council, compared with growth at a more organic pace as perceived by the HNP Steering Group, extensively supported by the Parish Council and residents of Headcorn.
- 7.4 In undertaking the examination of the draft HNP, I have had regard to national planning policy and the relevant adopted saved strategic policies of the Borough-wide Local Plan, 2000 and related adopted planning policies. I have had relevant regard to survey and assessments undertaken to inform the preparation of the emerging Local Plan, but not to the resultant draft Local Plan policies.
- 7.5 At the hearing convened in October 2016 so that I might more fully understand the issues and the draft policies in the HNP and how they reflect national planning guidance and strategic adopted borough planning policies, I was impressed by the conduct of all parties in making clear representations and providing helpful additional information covering the areas where I sought further assistance. It was apparent that during the hearing in order that the Plan might be acceptable having regard to the Basic Conditions, some policy amendments would be necessary. I would like to thank the hearing participants for positively engaging during the hearing in the attempt to agree appropriate modifications to the draft policies that might make the HNP acceptable in relation to the Basic Conditions test. I am grateful for the flexibility shown by all participants.
- 7.6 In the event, there remain certain areas where I do not consider the Basic Conditions are, or could be met. In addition, the draft policy alterations discussed would require clear justification within the explanatory text, if the evidence supported such changes. This is beyond the scope of my brief in the independent examination of the HNP.
- 7.7 As a consequence of my examination, I am not satisfied that the HNP meets the Basic Conditions test in relation to:
- having appropriate regard for national policy;
 - adequately contributing towards the achievement of sustainable development; and
 - being in general conformity with the strategic policies of the development plan for the local area;
- 7.8 Neither am I satisfied that appropriate regard has been demonstrated to confirm that the draft Plan is compatible with the Human Rights Act 1998.

8.0 Recommendation

8.1 For the reasons set out above, I consider that the Plan does not meet the Basic Conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the adopted development plan for the local area;
- compatibility with human rights requirements has not been demonstrated in the preparation of the Plan.

8.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10, that the Headcorn Neighbourhood Plan should not proceed to a referendum.

Jeremy Edge BSc FRICS MRTPI
19th March 2017

Appendix 1

Background Documents

In examining the Headcorn Neighbourhood Plan, I have had regard to the following documents in addition to the HNP:

- a) Headcorn Matters, Headcorn Neighbourhood Plan 2011 – 2031, 2015 – Regulation 16 Consultation version
- b) National Planning Policy Framework, March 2012
- c) National Planning Practice Guidance
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning Act 2008
- f) The Localism Act (2011)
- g) The Neighbourhood Planning (General) Regulations 2012
- h) Basic Condition Statement in accordance with Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), Submission Date: - November 2015
- i) Headcorn Parish Neighbourhood Plan: 2011-2031 Regulation 16, 2015 SEA and Habitat Regulation Assessment Screening Report
- j) Headcorn Neighbourhood Plan 2011 – 2031, 2015, Consultation Statement, Section 15 of the Neighbourhood Planning (General) Regulations 2012
- k) Appendix to HNP Consultation Statement - November 2015
- l) Maidstone Borough Wide Local Plan, adopted 2000
- m) SHMA Update – Implications of 2012 Based Household Projections Ashford, Maidstone, and Tonbridge and Malling Borough Councils, Final Report, June 2015, prepared by GL Hearn
- n) Affordable Housing Development Plan Document (DPD), Maidstone Borough Council, December 2006.
- o) Maidstone Housing Strategy 2016 – 2020, Maidstone Borough Council
- p) Maidstone Strategic Housing Market Assessment (2014)
- q) Planning permission for expansion of Headcorn primary school to two-form entry with a capacity of 420 pupils, dated 10th August 2016 (MA/16/503892); KCC/MA/0263/2016, approved on 5th January 2017 and KCC/MA/0297/2016 relating to details of all materials to be used externally, approved on 20th December 2016.

Appendix 2

Agenda

Headcorn Neighbourhood Plan – Examination

Hearing

Commencing 18th October 2016 at 10:00am

**At
The Village Hall
Church Lane
Headcorn
Kent
TN27 9NR**

**Independent Examiner
Jeremy J Edge BSc FRICS MRTPI**

Agenda

Headcorn Neighbourhood Plan Examination

- 1) Introductions and welcome
- 2) Hearing Procedure
- 3) Questions

Shared Vision

Q1. The NPPG (at Paragraph: 001 Reference ID: 41-001-20140306), advises that Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area. Does the draft HNP represent a "shared vision" of the future of Headcorn as identified in the NPPF at paragraph 183 of the NPPF and the NPPG?

Q2. 19th March 2010, Maidstone Borough Council designated Headcorn together with certain other settlements, as Rural Service Centres (RSC). Is this designation relevant, if at all, in connection with extant planning policy? Does this designation carry any weight for development management purposes?

Water management and dealing with the risk of flooding.

Q3. Has there been further Flood Risk Assessment to alter or augment the advice within Maidstone BC's Strategic Flood Risk Assessment, (SFRA) May 2008 in the context of Policy HNP3?

Q4. The SFRA is said to be an evolving document. When published, the guidance referred for the need for sequential testing, the use of SUDs as a mitigation measure and for proposals for development in Flood Risk Zones 2 and 3 to be accompanied by Flood Risk Assessments. To what extent is the prohibition of development in Flood Zones 2 and 3 in the HNDP compatible with the SFRA May 2008 assessment?

Q5. Should the use of flood risk mitigation by SUDs be included in Policy HNP3 and if so might this affect the housing delivery policies?

Q6. What progress if any has been made between the authorities in seeking to develop a waste water solution to existing issues in Headcorn? If progress been made, how might this alter Southern Water's Regulation 16 representations?

Q7. To what extent should the Regulation 16 representations made by Southern Water be reflected in the draft policies HNP3, HNP11 and HNP27 of the draft neighbourhood plan?

Q8. If the policy amendments proposed by Southern Water were to be adopted, would this overcome Southern Water's contention that as drafted, the Plan fails to meet the basic conditions test?

Local Green Spaces

Q9. Local Green Spaces (LGS) are referred to in draft policy HNDP4 and a plan identifying these is provided in Figure 18. However, there is no express LGS policy, or justification for each component of LGS, in the draft NDP. Should there be a LGS policy in the Plan?

Q10. If so, is there evidence sufficient to justify LGS designation in accordance with NPPF guidance at paragraph 77?¹

Housing Policies

Housing Need - The NPPG advises (at paragraph: 040 Reference ID: 3-040-20140306) that where “..a neighbourhood plan comes forward before an up to date Local Plan is in place, the local planning authority should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress and to share evidence used to prepare their plan. Neighbourhood plans should deliver against the objectively assessed evidence of needs.”

Q11. To what extent should the Headcorn evidence of need be regarded as being an “objective assessment of need” (OAN) and why?

Q12. Is there common ground between the Borough Council and Parish Council regarding the extent to which Headcorn may have delivered a previous over-supply of housing, in relation to need in previous years? If so, has this been assessed in the draft Headcorn NDP?

Housing Supply

Q13. In relation to draft Policy HNP6 is there sufficient reason, related to the provision of sustainable development in Headcorn, to limit development to 30 dwellings on any one large site? How can this policy element be reconciled with the third of the core planning principles in the NPPF at paragraph 17 which states:

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

Q14. Policy HNP7 seeks to limit housing development other than micro development being development consisting of up to two dwellings, to 45 dwellings in the period up to 2026 and a further 45 dwellings between 2027 and 2031. Notwithstanding the opportunity to review the phased supply of housing in the

¹ 77 The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

parish, does this draft policy offer sufficient flexibility in the event that housing supply fails to be delivered in the early part of the Plan period?

Q15. How would this policy satisfy the expectations of the NPPF at paragraph 17, core planning principles, to proactively drive and support sustainable economic development to deliver the homes the country needs?

Q16. Is there express justification in the NPPF or adopted local planning policy to support housing policy which constrains housing delivery?

Q17. Is the density restriction in draft Policy HNDP13, no greater than 30 dpha, appropriate in the context of NPPF paragraph 47, in terms of boosting significantly the supply of housing land and ensuring choice and competition in the market for land?

Affordable homes

Q18. Maidstone Borough Council's adopted affordable housing policy is contained within the Affordable Housing Development Plan Document (DPD), December 2006. Policy AH 1, states that on sites of 15 units or more, or 0.5 ha and greater, the Council will seek 40% of the dwellings to be affordable dwellings, other than in exceptional circumstances and on allocated greenfield sites, the Council may seek more than 40%. In relation to draft Policy HNP9, would a target rate of only 20% affordable housing in Larger Village Developments on sites delivering in excess of 15 dwellings, or being more than 0.5 ha in size be compatible with meeting the Basic Conditions?

School site expansion

Q19. Does the draft NP adequately reflect existing planning permissions for development and related infrastructure improvements, such as for example the need for school provision associated with the development of 220 dwellings at Ulcombe Road permitted in 2015?

Q20. Draft Policy HNP11, provides for preconditions to be met in relation to the village sewer system and school expansion. In relation to school expansion is there agreement with Kent County Council that the exiting Headcorn Primary School be expanded on its present site to meet future need? Does the education authority support the land identified in HNDP, figure 26? If so, is the land sufficient and capable of being delivered?

Q21. In other circumstances within the County, does the education authority provide temporary education facilities to meet need for primary school provision and would this be a feasible and realistic solution at Headcorn? Were this to be the case would the Education Authority expect the delivery of permanent school expansion to be a precondition before either Small Village Developments or Larger Village Developments as defined in Policy HNDP6, be granted planning permission?

Employment development

Q21. Draft Policy HNP21 seeks to promote employment development at Barradale Farm during the Plan period (2011-2031) with planning permission for up to an additional 5500m² of B1; B2 and B8 development. Would it be too prescriptive to limited development of individual units to no more than 500m² each? What evidence exists that would justify this restriction? Would such a policy restriction be consistent with NPPF Core Principles contained in paragraph 17?

- 4) Any other business
- 5) Close of Hearing.

Strategic Planning, Sustainability and Transportation Committee

13 June 2017

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

Yes

Fourth Quarter Budget Monitoring

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service	Director of Finance & Business Improvement
Lead Officer and Report Author	Paul Holland – Senior Finance Manager, Client Accountancy
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That the Committee notes the financial position for services within its remit at the end of the fourth quarter.

This report relates to the following corporate priorities:

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

Financial resources are allocated in accordance with the Council's strategic priorities. This report shows how the resources have been spent and identifies any areas where there have been variances from the budgeted allocation of resources.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	13 June 2017

Fourth Quarter Budget Monitoring

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the revenue budget and outturn for services within the Committee's remit at the end of the fourth quarter of 2016/17. It highlights significant variances from budget and any other matters which are likely to have a material financial impact.
 - 1.2 As at the end of the fourth quarter there was an overall underspend for services within the Committee's remit of £246,631. The individual variances for each cost centre are shown at Appendix 1. The totals include internal recharges.
 - 1.3 The Council as a whole will also be reporting an underspend at the end of the fourth quarter. This is a significant improvement from the end of the third quarter, when an overspend of £288,000 was projected. It follows the introduction of additional controls over spending, designed to ensure that the Council remained within budget for the year. The Council will need to continue maintaining tight controls in 2017/18 given likely spending pressures.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Director of Finance & Business Improvement is the Council's Responsible Financial Officer, and has overall responsibility for budgetary control and financial management. Day to day budgetary control is delegated to service managers, with assistance and advice from their Director and the Finance section.
- 2.2 The budget for 2016/17 was agreed by full Council on 2 March 2016. This report sets out the position as at the end of the fourth quarter in relation to the revenue budget. The fourth quarter figures will be incorporated within the Council's draft Statement of Accounts for the year ending 31st March 2017, which will be considered by the Audit, Governance and Standards Committee at its meeting on 26th June 2017.
- 2.3 Attached at Appendix 1 is a table detailing the current budget and actual position in relation to the fourth quarter of 2016/17, to March 2017, by cost centre.
- 2.4 The Appendix shows:
 - a) The cost centre description;
 - b) The value of the net expenditure budget for the year;
 - c) Actual expenditure;
 - d) Actual income;
 - e) Actual net expenditure (gross expenditure less income)
 - f) The variance between expected and actual net expenditure.

2.5 Appendix 1 shows net income of £291,551 compared with a budget of £44,920.

2.6 Explanations are shown below for all variances within individual cost centres which exceed £30,000:

Cost Centre	Positive Variance £000	Adverse Variance £000
<p>Building Regulations Income has exceeded the budget for the year. This service is required to break even on a rolling three year basis, and any surpluses are held in balances to mitigate any future downturn in income.</p>	76	
<p>Development Control Applications The shortfall in income is due to the fact that the income budget for planning applications was increased by £134,500 for budget strategy plus a further £100,000 was transferred to Appeals (EC21) which meant that the target was difficult to achieve.</p>		57
<p>Development Control Enforcement This budget is kept aside for possible future need. The underspend is due to the fact that it was not utilised in 2016/17.</p>	45	
<p>Development Management There has been an overspend on agency staff along with a shortfall in income against the budgeted target. Steps are being taken to address the issue and ensure that this variance will be reduced going forward into 2017/18.</p>		249
<p>On-Street Parking The surplus is a combination of above target income from excess charges, parking meter income and residents permits. It should be noted that this surplus is ring-fenced to parking.</p>	105	
<p>Residents Parking The surplus is a combination of above target income from penalty charges notices and visitors permits. This surplus is ring-fenced to the parking fund.</p>	42	
<p>Pay & Display Car Parks Nearly all of the car parks exceeded their income targets, in particular Lockmeadow and King Street, and there was an increase in season ticket sales as well. This figures does include the £64,000 shortfall on the Mote Park Pay & Display Car Park.</p>	376	
<p>Off Street Parking – Enforcement The deficit is entirely due to below target income from penalty charge notices. Although overall PCN's were above target</p>		34

Cost Centre	Positive Variance	Adverse Variance
Mote Park Pay & Display The deficit is entirely due to below target income from pay and display income. Steps are being taken to mitigate the deficit for 17/18.		65
Parking Services Section The favourable variance is mainly due to vacant posts within the parking section. The posts have now been filled.	41	

3. AVAILABLE OPTIONS

- 3.1 There are no matters for decision in this report. The Committee may choose to take further action depending on the matters reported here.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee is requested to note the contents of this report. It may choose to take further action, bearing in mind the implications of the financial outturn for future budget management and financial strategy development.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 This report is not expected to lead to any consultation.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Fourth quarter budget monitoring reports are being considered by the Service Committees in June 2017. The overall outturn for the year ended 31st March 2017 will be reported as part of the Council's Statement of Accounts, which will be considered in draft form by the Audit, Governance and Standards Committee at its meeting on 26th June 2017. The Statement of Accounts will be audited and is due to be approved, in its final form, by the Audit, Governance and Standard Committee at its meeting on 18th September 2017.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Council's budget reflects its corporate priorities. This report compares actual performance	Director of Finance and

	with the budget, and so provides a measure of whether the Council has fulfilled its priorities in financial terms.	Business Improvement (Section 151 Officer)
Risk Management	Regular and comprehensive monitoring of financial performance as summarised in this report ensures early warning of significant issues that may place the Council at significant risk and gives the Committee the best opportunity to take actions to mitigate such risks.	Director of Finance and Business Improvement (Section 151 Officer)
Financial	Financial implications are the focus of this report. Budget monitoring, as summarised in this report, ensures that services can react quickly to potential operational and resourcing problems. The process helps to ensure that the Council delivers against its strategic priorities.	Director of Finance and Business Improvement (Section 151 Officer)
Staffing	Employee costs represent approximately 50% of the direct spend of the Council. Any consideration of resource allocation and monitoring therefore pays attention to employee costs and relevant issues will be raised in monitoring reports such as this.	Director of Finance and Business Improvement (Section 151 Officer)
Legal	The Council has a statutory obligation to maintain a balanced budget. The monitoring process enables the Committee to ensure that it meets this requirement for the services within its remit.	[Legal Team]
Equality Impact Needs Assessment	No specific implications.	Director of Finance and Business Improvement (Section 151 Officer)
Environmental/Sustainable Development	No specific implications.	Director of Finance and Business Improvement

		(Section 151 Officer)
Community Safety	No specific implications.	Director of Finance and Business Improvement (Section 151 Officer)
Human Rights Act	No specific implications.	Director of Finance and Business Improvement (Section 151 Officer)
Procurement	No specific implications.	Director of Finance and Business Improvement (Section 151 Officer)
Asset Management	The budget allocates resources for asset management. There are no specific issues arising from service performance as reported here for asset management.	Director of Finance and Business Improvement (Section 151 Officer)

8. REPORT APPENDICES

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

- Appendix I: Fourth Quarter 2016/17 Budget Monitoring – Strategic Planning, Sustainability & Transportation Committee

9. BACKGROUND PAPERS

None.

**STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE
FINAL OUTTURN FOR 2016/17**

Cost Centre/Service	Final Adjusted Estimate	Actual Outturn for Year			Variance (-Adverse / Favourable)
		Expenditure	Income	Net	
	A			B	A-B
	£	£	£	£	£
Building Regulations Chargeable	-295,160	7,013	-378,533	-371,520	76,360
Building Control	-990	2,976	-1,400	1,576	-2,566
Street Naming & Numbering	-49,000		-66,995	-66,995	17,995
Building Control	-345,150	9,988	-446,928	-436,940	91,790
Development Control Advice	-115,000		-123,508	-123,508	8,508
Development Control Applications	-1,295,980	75,552	-1,314,957	-1,239,406	-56,574
Development Control Appeals	119,410	113,501		113,501	5,909
Development Control Enforcement	47,310	2,400	-522	1,878	45,432
Development Control	-1,244,260	191,453	-1,438,987	-1,247,534	3,274
Planning Policy	618,040	632,685	-14,680	618,005	35
Neighbourhood Planning	0	32,871	-45,000	-12,129	12,129
Conservation	-11,470	11,335	-424	10,911	-22,381
Planning Policy	606,570	676,892	-60,104	616,788	-10,218
Land Charges	-210,360	64,427	-270,747	-206,320	-4,040
Central Services to the Public	-210,360	64,427	-270,747	-206,320	-4,040
Environment Improvements	17,660	17,057		17,057	603
Name Plates & Notices	17,600	23,315		23,315	-5,715
Network & Traffic Management	35,260	40,372	0	40,372	-5,112
On Street Parking	-281,780	367,251	-754,474	-387,223	105,443
Residents Parking	-223,930	40,136	-306,499	-266,364	42,434
Pay & Display Car Parks	-1,327,790	355,469	-2,058,996	-1,703,526	375,736
Non Paying Car Parks	9,230	8,744	-10	8,734	496
Off Street Parking - Enforcement	-192,070	140,697	-298,620	-157,923	-34,147
Mote Park Pay & Display	-175,750	23,217	-134,256	-111,039	-64,711
Mote Park - Enforcement	23,940	21,918		21,918	2,022
Sandling Road Car Park	0	82	-0	82	-82
Parking Services	-2,168,150	957,512	-3,552,854	-2,595,343	427,193
Park & Ride	189,450	535,135	-341,975	193,160	-3,710
Socially Desirable Buses	63,780	59,793		59,793	3,987
Other Transport Services	-9,300	19,472	-119	19,353	-28,653
Public Transport	243,930	614,400	-342,094	272,306	-28,376
Development Management Section	842,370	1,098,701	-6,950	1,091,751	-249,381
Spatial Policy Planning Section	508,680	490,313	-2,100	488,213	20,467
Head of Planning and Development	108,830	110,392		110,392	-1,562
Development Management Enforcement	149,140	162,457		162,457	-13,317
Building Surveying Section	376,000	401,443	-213	401,230	-25,230
Mid Kent Planning Support Service	402,240	725,047	-316,835	408,212	-5,972
Heritage Landscape and Design Section	181,380	176,903		176,903	4,477
Planning Business Management	112,190	107,221	-50	107,171	5,019
Mid Kent Local Land Charges Section	31,720	137,201	-101,662	35,539	-3,819
Parking Services Section	324,690	347,827	-64,574	283,253	41,438
Corporate Support	3,037,240	3,757,504	-492,385	3,265,119	-227,879
Committee Total	-44,920	6,312,548	-6,604,100	-291,551	246,631

Agenda Item 17

Strategic Planning, Sustainability and Transportation Committee

13 June 2017

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

No

Strategic Plan Performance Update Quarter 4 2016/17

Final Decision-Maker	Policy & Resources Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Anna Collier, Policy & Information Manager. Alex Munden, Performance and Business Information Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. Note the summary of performance for Quarter 4 of 2016/17 for Key Performance Indicators (KPIs) and corporate strategies and plans.
2. Identify any action that needs to be taken or amendments to the Quarter 4 report.
3. Note the progress of Strategic Plan Actions for Quarter 4 at Appendix II.

This report relates to the following corporate priorities:

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

Key Performance Indicators monitor the delivery of the Council's Corporate Priorities as set out in the Strategic Plan 2015-20. The Performance Plan provides progress against the Council's key strategies which deliver the Council's corporate priorities.

Timetable

Meeting	Date
Wider Leadership Team	9 May 2017
Heritage Culture & Leisure Committee	6 June 2017
Strategic Planning, Sustainability & Transportation Committee	13 June 2017
Communities, Housing & Environment	20 June 2017
Policy & Resources Committee	28 June 2017

Strategic Plan Performance Update Quarter 4 2016/17

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Strategic Planning, Sustainability, and Transportation Committee is asked to review the progress of key strategies, plans, and performance indicators that support the delivery of the Strategic Plan 2015-2020.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 Having a comprehensive set of actions and performance indicators ensures that the Council delivers against the priorities and actions set in the Strategic Plan.
 - 2.2 In 2016/17 the Strategic Plan had 32 Key Performance Indicators that were agreed by Policy & Resources Committee in April 2016. This was in addition to the existing 14 plan and strategy updates.
 - 2.3 Performance indicators are judged in two ways. Firstly on whether performance has improved, sustained or declined, compared to the same period in the previous year. This is known as direction. Where there is no previous data, no assessment of direction can be made.
 - 2.4 The second way is to look at whether an indicator has achieved the target set and is known as PI status. If an indicator has achieved or exceeded the annual target they are rated green. If the target has been missed but is within 10% of the target it will be rated amber, and if the target has been missed by more than 10% it will be rated red.
 - 2.5 Some indicators will show an asterisk (*) after the figure. These are provisional values that are awaiting confirmation. Data for some of the indicators were not available at the time of reporting. In these cases a date has been provided for when the information is expected.
 - 2.6 Contextual indicators are not targeted but are given a direction. Indicators that are not due for reporting or where there is delay in data collection are not rated against targets or given a direction.
-

3. Quarter 4 Performance Summary

- 3.1 There are 32 key performance indicators (KPIs) which were developed with Heads of Service and unit managers, and agreed by Policy & Resources Committee for 2016/17.
- 3.2 Overall, 100% (3) of all targeted KPIs reported this quarter achieved their annual target for quarter 4 and performance improved compared to the same quarter last year.

4. RAG Rating	Green	Amber	Red	N/A	Total
KPIs	3	0	0	1	4
Strategic Actions	3	0	0		3
Direction	Up	Across	Down	N/A	Total
KPIs	2	0	1	1	4

5. Performance by Priority

Priority 2: Securing a successful economy for Maidstone Borough

- 5.1 The number of school journeys undertaken without a car was 4,848 for quarter 4. There has been a continued increase in this figure, which demonstrates a positive modal shift.
- 5.2 During quarter 4, 90.48% of major planning applications were processed on time. Performance continues to be strong in the processing of major applications. Of the 21 major applications that were determined, 19 were determined within 13 weeks, or within timescales agreed with the developer.
- 5.3 A total of 45 affordable homes were delivered, meeting the target of 45 for the quarter. There have been 303 affordable completions up to 31 March 2017. The annual target has been exceeded by 153. Delivery against affordable completions has been strong due to good progress made on several key strategic sites. Of the total affordable completions this year, 124 have been delivered for shared ownership.
- 5.4 We have housed 127 people through the housing register for quarter 4 2016/17. This is a reduction in comparison to the 203 housed in the same quarter last year. This is the first time this year that the quarterly target has not been achieved. The quarterly figure is lower due to fewer properties being provided by our Registered Providers. Despite lower performance in quarter 4, the annual target has still been achieved.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Strategic Plan Performance Update will be reported quarterly to the service committees: Communities Housing and Environment Committee, Strategic Planning, Sustainability and Transport Committee, and Heritage, Culture and Leisure Committee. The report will then go to Policy & Resources committee following these meetings, with any feedback from the Committees.

7. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 7.1 The Council could choose not to monitor the Strategic Plan and/or make alternative performance management arrangements, such as the frequency of reporting. This is not recommended as it could lead to action not being

taken against performance during the year, and the Council failing to deliver its priorities.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The key performance indicators and strategic actions are part of the Council's overarching Strategic Plan 2015-20 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas, for example waste and recycling.	Angela Woodhouse, Head of Policy & Communications
Risk Management	The production of robust performance reports ensures that the view of the Council's approach to the management of risk and use of resources is not undermined and allows early action to be taken in order to mitigate the risk of not achieving targets and outcomes.	Angela Woodhouse, Head of Policy & Communications
Financial	Performance indicators and targets are closely linked to the allocation of resources and determining good value for money. The financial implications of any proposed changes are also identified and taken into account in the Council's Medium Term Financial Plan and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.	Section 151 Officer
Staffing	Having a clear set of targets enables staff outcomes/objectives to be set and effective action plans to be put in place.	Angela Woodhouse, Head of Policy & Communications
Legal	None identified.	Legal Team
Equality Impact Needs Assessment	The Performance Indicators reported on in this quarterly	Equalities and Corporate Policy

	<p>update measure the ongoing performance of the strategies in place. If there has been a change to the way in which a service delivers a strategy, i.e. a policy change, an Equalities Impact Assessment is undertaken to ensure that there is no detrimental impact on individuals with a protected characteristic.</p>	Officer
Environmental/Sustainable Development	<p>A number of performance indicators relate to our performance in environmental services. This has a significant effect on our ability to monitor the Environment in Maidstone. This is also important as one of our key priorities is to provide a clean and safe environment.</p>	Policy and Information Manager
Community Safety	<p>We have Key Performance Indicators that relate to important areas of community safety. These ensure that the work being done by the Community Safety Unit is relevant, and that key areas such as safeguarding are being developed.</p>	Policy and Information Manager
Human Rights Act	None identified.	Policy and Information Manager
Procurement	<p>Performance Indicators and Strategic Milestones monitor the any procurement needed to achieve the outcomes of the Strategic Plan.</p>	Policy and Information Manager
Asset Management	<p>Performance Indicators that measure our commercial activities monitor our use of our assets. Good performance shows good management of our assets, or can highlight where assets can be utilised more efficiently.</p>	Policy and Information Manager

9. REPORT APPENDICES

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

- Appendix I: Strategic Plan Performance Update Q4 2016/17
 - Appendix II: Strategic Plan Action Plan Update Q4 2016/17
-

10. BACKGROUND PAPERS

None

2016/17

Quarter 4 Performance Update



For further information about Performance Management at Maidstone Council, please contact Alex Munden, Performance and Business Information Officer.

OUR VISION

That our residents live in decent homes, enjoy good health and a pleasant environment, with a successful economy that is supported by reliable transport networks.

OUR MISSION

Putting People First.

OUR PRIORITIES

Keeping Maidstone Borough an attractive place for all

Securing a successful economy for Maidstone Borough



ACTION AREAS

Providing a clean and safe environment

Encouraging good health and wellbeing

Respecting the character and heritage of our Borough

Ensuring there are good leisure and cultural attractions

Enhancing the appeal of the town centre for everyone

Securing improvements to the transport infrastructure of our Borough

Promoting a range of employment opportunities and skills required across our Borough

Planning for sufficient homes to meet our Borough's needs

OUR VALUES

Service



Everything we do impacts on our customers, both internal and external. We will listen to and understand their needs, then take action to provide the right service in a positive and professional manner.

Teamwork



Working together to achieve our objectives and goals in a way that utilises the talents and creativity of everyone in our organisation.

Responsibility



We work in an environment that encourages us to take ownership for our actions. Making the right choices and decisions that lead to a satisfactory outcome for all.

Integrity



We have the courage to act on our convictions to build trust and honesty. We work with our partners and customers to create a feeling of openness and transparency in everything we do.

Value



Taking care and weighing up our options, aiming to get the maximum effect for every penny of public money we spend.

Equality



Valuing our differences and understanding how they can contribute to a better working environment and services that are fair and easy to access.






Understanding Performance





Key to performance ratings

Performance indicators are judged in two ways. Firstly on whether performance has improved, been sustained or declined, compared to the same period in the previous year. For example, 2016/17 annual performance will be compared against 2015/16 annual performance. This is known as direction. Where there is no previous data, no assessment of direction can be made.

The second way in which performance is assessed looks at whether an indicator has achieved the target set and is known as PI status. Some indicators may show an asterisk (*) after the figure. These are provisional figures that are awaiting confirmation.

Data Only indicators are not targeted but are given a direction. Indicators that are not due to be reported or where there is a delay in data collection are not rated against targets or given a direction.

RAG Rating	
	Target not achieved
	Target missed (within 10%)
	Target met
	No target to measure performance against
	Data Only

Direction	
	Performance has improved
	Performance has not changed / been sustained
	Performance has declined
	No previous performance to judge against

Strategic Actions have also been rated using the RAG Status (Red, Amber or Green). The ratings are there to provide an assessment of how well the strategy or plan is progressing.

Performance Summary

This is the quarter 4 performance update on Maidstone Borough Council's Strategic Plan 2015-20. It sets out how we are performing against the Key Performance Indicators and Strategic actions that directly contribute to the achievement of our priorities: Keeping Maidstone an attractive place for all and securing a successful economy for Maidstone Borough.

Outlined below is a summary of the ratings and direction that have been given for the annual results.

RAG Rating	Green	Amber	Red	N/A	Total
KPIs	3	0	0	1	4
Strategic Actions	3	0	0		3
Direction	Up	Across	Down	N/A	Total
KPIs	2	0	1	1	4

Priority 2: Securing a successful economy for Maidstone Borough

Securing Improvements to the Transport Infrastructure for our Borough






Maidstone is strategically situated between London and the channel ports and is serviced by two motorway networks, the M20 and M2, with rail connections to central London. With regard to travelling in and around the Borough by car, congestion is an issue particularly at peak time in the town centre. The bus transport network serving Maidstone town is relatively strong whilst rural transport presents distinct challenges.

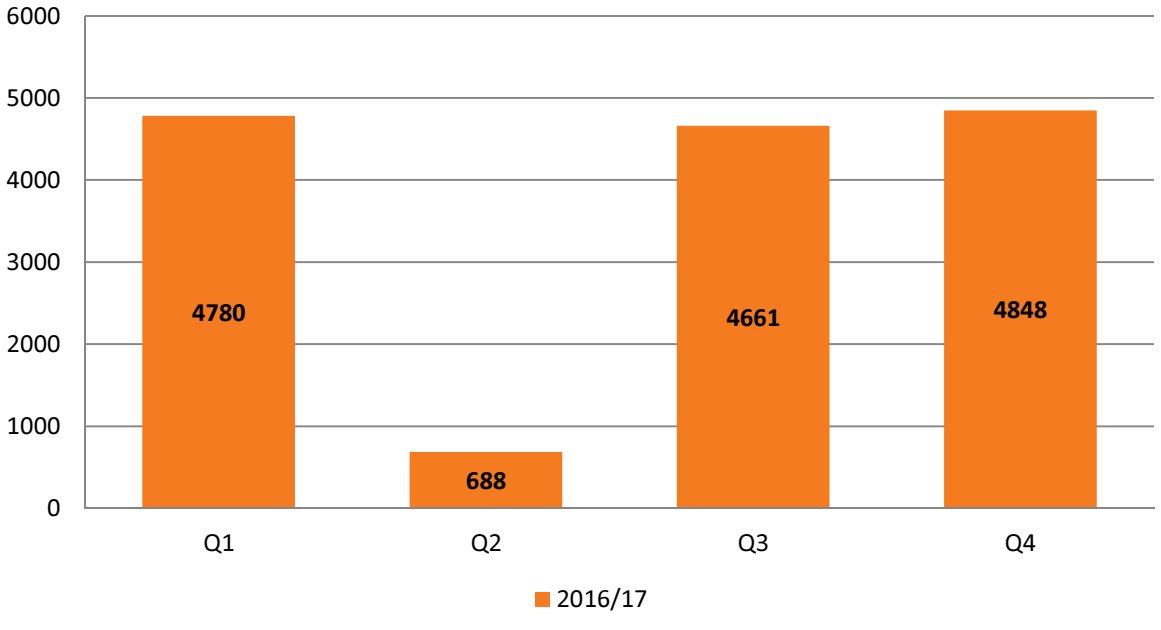
Integrated Transport Strategy (ITS) Update 

The Integrated Transport Strategy has been agreed by Maidstone Borough Council. The strategy was adopted at Strategic Planning, Sustainability, and Transportation Committee in September 2016.

Number of school journeys undertaken without a car as part of borough wide schemes

Figures for this are published by KM Charity Team. This reflects the objectives set out in the Integrated Transport Strategy in reducing the use of unsustainable transport.

Current Value	Q4 Target	Value Vs Target	Direction	Status	Outcome
4848					



■ 2016/17

Performance Comment: There has been a continued increase in the number of school visits undertaken without a car from last quarter, demonstrating a positive modal shift.



Planning for Sufficient Homes to meet our Borough's Needs

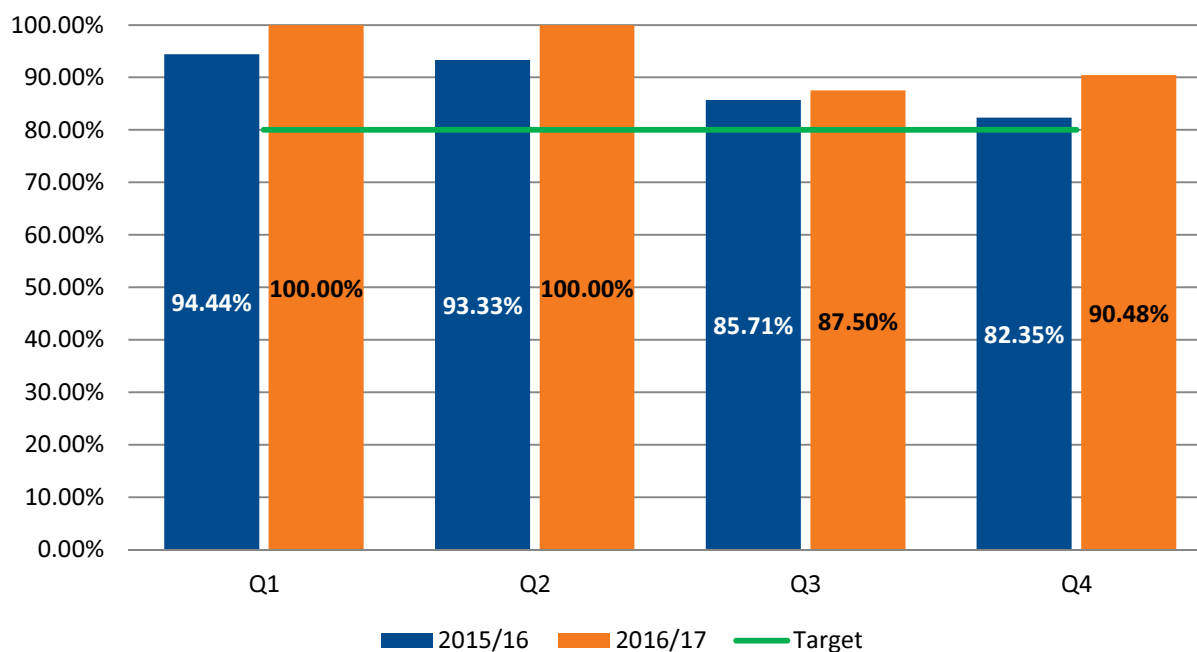
Local Plan Update

Programmed examinations hearings have been completed. The Inspector asked for formal public consultation on required modifications to the Local Plan. This commenced on 31 March 2017 and ran until 19 May 2017. Following receipt of the representations, the Inspector will either decide to hold further hearings or proceed to drafting his final report.

Processing of major planning applications in 13 weeks

This indicator measures the percentage of major planning applications processed within the statutory timescale of 13 weeks, or within timescales agreed with the developer. This has increased importance to central government. Major developments are classified as those providing 10 or more dwellings, or on an area of 0.5 hectares or more where the number of dwellings is unknown. Major applications also include building(s) where floor space is 1000 square metres or more, or the site has an area of one hectare or more.

Current Value	Q4 Target	Value Vs Target	Direction	Status	Outcome
90.48%	80%	+10.48%			Target has been achieved





Performance Comment: 90.48% of major planning applications were processed on time during quarter 4. Performance continues to be strong in the processing of major applications. Of the 21 major applications that were determined, 19 were determined within 13 weeks, or within timescales agreed with the developer.

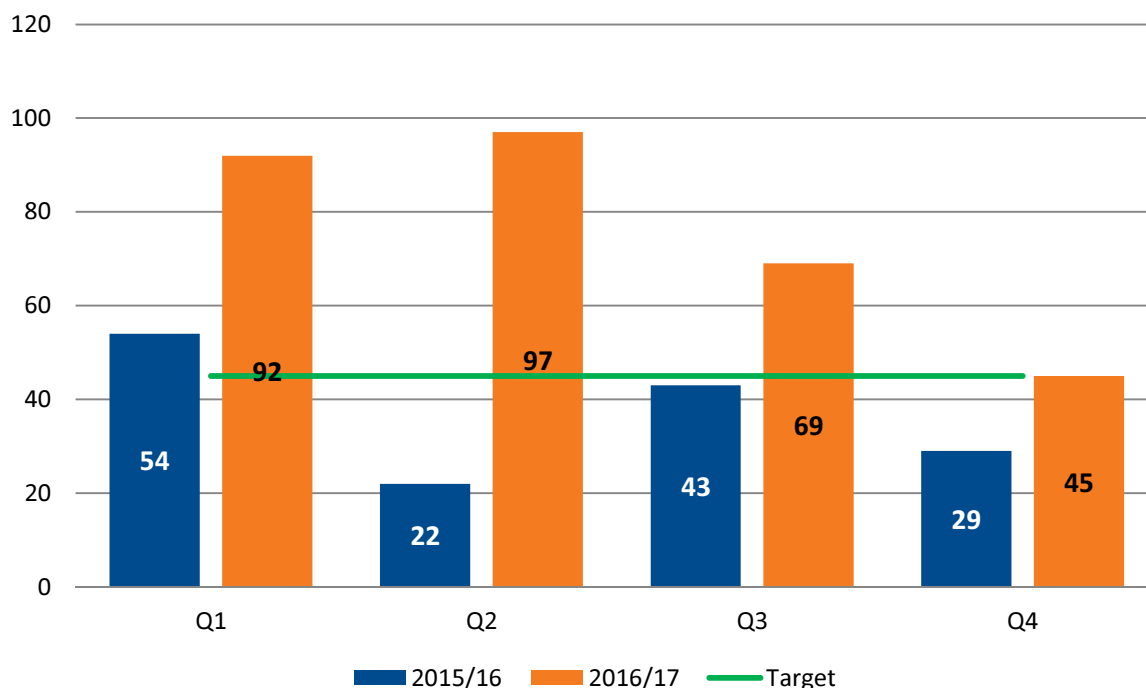
Housing Strategy Update

A review of the Housing Strategy's progress to date will be provided to the Communities, Housing & Environment Committee in June 2017.

Number of affordable homes delivered

Housing supply has not kept pace with demand. Many families are locked out of the housing market by unaffordable prices and unobtainable mortgages. Affordable dwellings include social-rented housing and intermediate housing. These can be new build or acquisitions; the figure does not take into account any losses.

Current Performance	Q4 Target	Value Vs Target	Direction	Status	Outcome
45	45	=			Target has been achieved

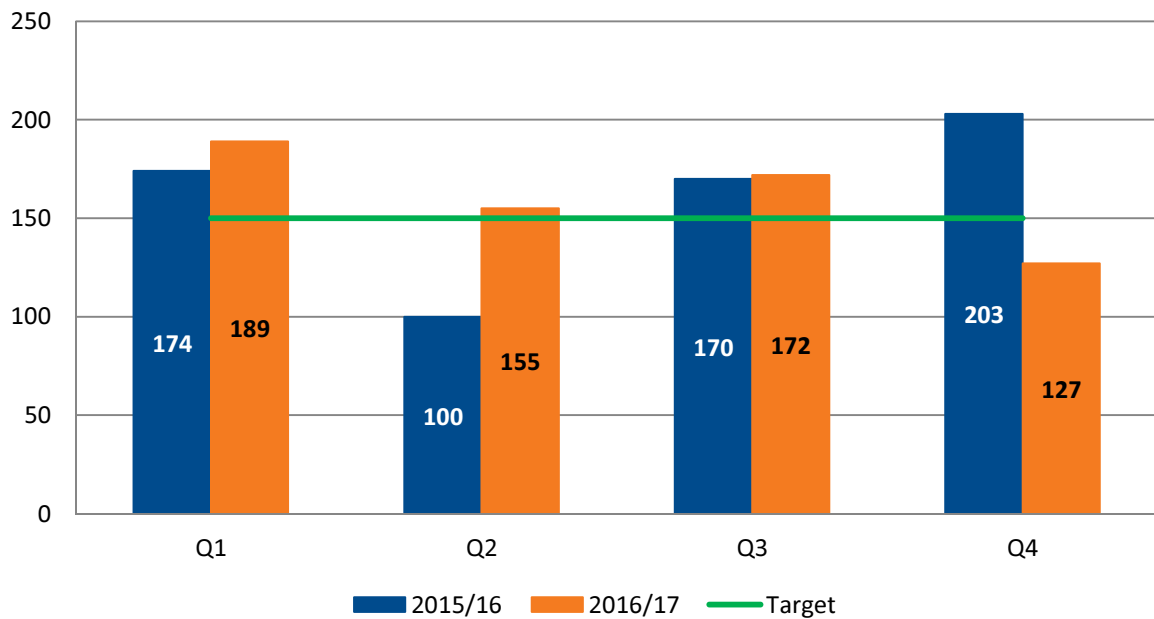


Performance Comment: A total of 303 affordable homes have been completed this year, exceeding the annual target (150) by 153 affordable homes. Delivery against affordable completions has been strong due to good progress made on several key strategic sites in the Borough. Of these 303 affordable completions, a total of 124 have been delivered for shared ownership, equating to 41% of the overall total.

Number of households housed through housing register

This is an important indicator, which monitors the number of applicants on the housing register who have been successfully rehoused. This provides a balanced view of the work of the housing service, in addition to the homeless preventions indicator.

Current Performance	Q4 Target	Value Vs Target	Direction	Status	Outcome
127	150	-23	↓	✓	Target will be achieved



Performance Comment: We housed 127 people through the Housing Register in quarter 4. The target has been missed for the first time this year, and the figure is significantly lower in comparison to the same period last year. The quarterly figure is lower due to less properties being provided by Registered Providers and a smaller amount of new build units being completed during this quarter. The annual target has been exceeded.

2016/17

Quarter 4 Strategic Plan Action Plan Update



For further information about Performance Management at Maidstone Council, please contact Alex Munden, Performance and Business Information Officer.

Priority 2: Securing a successful economy for Maidstone Borough

Securing Improvements to the Transport Infrastructure for our Borough

Maidstone is strategically situated between London and the channel ports and is serviced by two motorway networks, the M20 and M2, with rail connections to central London. With regard to travelling in and around the Borough by car, congestion is an issue particularly at peak time in the town centre. The bus transport network serving Maidstone town is relatively strong whilst rural transport presents distinct challenges

The Local Plan

Independent Examination into Maidstone Borough Local Plan

Programmed examination hearings have been completed. The Inspector has asked for formal public consultation on required modifications to the Local Plan. This took place between 31st March 2017 until 19th May 2017.

Independent Examination into the Community Infrastructure Levy Charging Schedule

The examination of the Community Infrastructure Levy commenced following its submission at the end of April 2017. The appointed Examiner has arranged a hearing session for participants and this is scheduled for 14 June 2017. Officers have completed responses to the Examiner's Matters, Issue and Questions, and are liaising with the appointed Programme Officer to finalise detailed arrangements for the hearing.

Planning for Sufficient Homes to meet our Borough's Needs

Housing Strategy 2015-2020

Acquisition of property

Policy & Resources Committee agreed at its meeting on 29 March to proceed with the acquisition of 13 properties. Offers have been made on 13 suitable properties with a view to completion as soon as possible.

Strategic Planning, Sustainability and Transportation Committee	13 June 2017
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

Tunbridge Wells Borough Local Plan: Issues & Options consultation

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

This report makes the following recommendations to this Committee:

1. That the Committee approves the response to Tunbridge Wells Borough Local Plan Issues and Options consultation set out in Appendix A.

This report relates to the following corporate priorities:

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

This report has regard to strategic proposals of an adjoining authority which could have infrastructure, environmental and development implications for this borough.

Timetable	
Meeting	Date
Strategic Planning, Sustainability and Transportation Committee.	13 June 2017

Tunbridge Wells Borough Local Plan: Issues & Options consultation

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Tunbridge Wells Borough Council (TWBC) is preparing a new, comprehensive Local Plan to cover the period 2013-2033. The Plan, once adopted, will replace the saved policies in the 2006 Tunbridge Wells Borough Local Plan, the 2011 Core Strategy and the 2016 Site Allocations Local Plan.
 - 1.2 The plan is at a relatively early stage in the preparation process. As a first stage of consultation (Regulation 18), TWBC has published an Issues & Options consultation document and associated Interim Sustainability Appraisal. It is undertaking a second 'call for sites' exercise at the same time and TWBC is also consulting on a draft landscape Character Assessment Supplementary Planning Document (SPD).
 - 1.3 As Tunbridge Wells is a neighbouring authority and the content of its Local Plan could have implications for this borough, it is recommended that this Council register a formal response to the consultation. The response set out in Appendix A has already been submitted to TWBC as an officer-level response to meet the consultation deadline of Monday 12th June. It has been agreed with TWBC officers that they will be sent the resolution of this Committee to confirm any additional or amended comments that the Committee requires to be made.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Issues & Option document is attached in Appendix B. The document provides an overview of the key issues which will impact on the content of the new Local Plan and invites comments on the issues identified. This aspect of the document is relatively 'high level' and focuses on identifying relevant issues rather than proposing potential policy approaches at this stage. The document also sets out 5 potential strategic options for how development could be distributed across the borough.
- 2.2 Tunbridge Wells' Strategic Housing Market Assessment identifies a need for some 648 new homes/year in the borough over the 20 year plan period, equating to a total of 12,960 dwellings (2013-33). Over the same period there is an evidenced need for 11-15ha of additional employment land.
- 2.3 The Issues & Options consultation document states that "the Council [TWBC] may face significant challenges in seeking to provide for the borough's relevant level of development need in the light of very significant landscape, environmental and infrastructure constraints". The document goes on to identify such potential constraints as including infrastructure capacity, highway capacity and congestion, landscape sensitivity (70% of the borough is in the High Weald AONB), flooding and the nature of the

existing built environment. The borough also has 22% Green Belt coverage.

- 2.4 Councillors may recall that in his December 2016 Interim Findings, the Maidstone Local Plan Inspector made reference to the constrained nature of Sevenoaks and Tunbridge Wells Boroughs. He observed that if these areas do not plan to meet their own needs, there could be additional development pressure on boroughs such as Maidstone. He concluded "whilst it is not impossible that increased migration from West Kent or London would place pressure on areas such as Maidstone with transport links to those areas, this is a matter which would be best considered at the first Review of the Local Plan when policy provisions for London and west Kent will be clearer" (paragraph 23).
- 2.5 In this context it is important that officers closely appraise the progress of the Tunbridge Wells Local Plan, consider any implications for this borough and provide relevant input to TWBC at key stages. Particular attention will be paid to the evidence and approach which TWBC follows in determining the overall development capacity of the borough, recognising that much important evidence that will inform the content of the Plan is yet to be completed. At this stage, it is prudent for this Council's response to highlight matters which this Council considers are likely to be particularly pertinent.
- 2.6 The response letter in Appendix A highlights that the extent to which TWBC acts to try to overcome identified constraints (consistent with the NPPF) is likely to be an important factor in them achieving a sound Local Plan. A proactive and iterative approach which explicitly tries to address constraints is likely to be strongly linked to TWBC being able to demonstrate that the Local Plan has been positively prepared.
- 2.7 Also, the response letter notes that Tunbridge Wells borough shares a housing market area with Tonbridge & Malling, Sevenoaks, Rother and Wealden districts and not with Maidstone. Similarly, its economic links are strongest with Sevenoaks and Tonbridge & Malling boroughs. On first inspection these authorities would be the priority locations should TWBC be unable to accommodate its development needs in full.
- 2.8 Should there be any future request from TWBC, or any other authority, to this authority to accommodate any unmet needs, this must be considered seriously and objectively. The assessment of the request will need to draw on evidence (MBC's and the other authority's) and take account of the current planning position in this borough.
- 2.9 The response in Appendix A also makes specific points regarding the proposed wording of the Plan's Vision and Strategic Objectives and the need for Gypsy and Traveller needs to be accommodated through the Plan. The consultation document lists 'transport connections to Maidstone' as a specific cross-boundary issue. In the response it is noted that the rail connection between the boroughs' two principal towns is indirect and it is as yet unclear what TWBC may be envisaging by the reference to transport connections to Maidstone. Clarification on this matter will be sought as part of the on-going dialogue between the authorities.

2.10 Strategic options: The consultation document identifies 5 possible scenarios for how development could be distributed across the borough. The options are;

1. Focused growth: majority of development at Tunbridge Wells/Southborough with lesser growth at Paddock Wood, Cranbrook, Hawkhurst and limited development in the villages/rural areas
2. Semi-dispersed growth: as option 1 with a higher percentage of growth at the some of the larger villages
3. Dispersed growth: proportional growth across all the borough's settlements
4. Growth corridor: growth around A21 close to Tunbridge Wells and Pembury
5. New settlement: new garden village at a yet to be determined location

2.11 These scenarios are put forward before the completion of TWBC's assessment of the development capacity of the borough or the completion of its Strategic Housing Land Availability Assessment (SHLAA). It is recommended that MBC does not express a preference for a particular strategy at this early stage, pending the completion of more detailed work by TWBC by which any implications for Maidstone borough can be more clearly ascertained.

Draft Landscape Character Assessment Supplementary Planning Document (SPD)

2.12 This draft document comprises as Landscape Character Assessment which TWBC is proposing to approve as SPD. Section 7 of the document identifies that landscape character does not stop at administrative boundaries and that the assessment aims to join up with the equivalent studies in neighbouring areas. The response from MBC in Appendix A highlights that for Maidstone borough it is the Maidstone Landscape Character Assessment completed in March 2012 to which the assessment's authors should have regard.

3. AVAILABLE OPTIONS

- 3.1 There are two options available to the Committee. The first is that the Committee decides to submit a response to the Tunbridge Wells Borough Local Plan consultation. The second, alternative option is that the officer response which has been sent is withdrawn
 - 3.2 Electing to submit a response will ensure that MBC's position and interests are brought to the attention of TWBC at an early stage in the Plan's preparation. To not make such a submission would be a missed opportunity for MBC to engage positively with the preparation of a neighbouring authority's primary land use planning document.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that the Committee agrees a response to this first consultation on the new Tunbridge Wells Borough Local Plan for the reasons outlined elsewhere in this report.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The timetable for the preparation of the Tunbridge Wells Borough Local Plan is as follows;

Regulation 19 consultation	2017-18
Submission	2018
Examination	2018
Adoption	2019

- 5.2 Officers will use for further engagement opportunities, both formal and informal, with Tunbridge Wells Borough Council as its Local Plan evolves to ensure that MBC's position is clearly communicated. The Committee will be kept updated as TWBC's proposals develop and more details emerge.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	This report has regard to strategic proposals of an adjoining authority which could have infrastructure, environmental and development implications for this borough.	Rob Jarman, Head of Planning & Development
Risk Management	The Council is managing potential risks by actively engaging with TWBC in the preparation of its Local Plan at an early stage.	Rob Jarman, Head of Planning & Development
Financial	The financial costs of contributing to the development of TWBC's Local Plan can be accommodated within existing service budgets.	[Section 151 Officer &] Finance Team
Staffing	There are no specific staffing implications arising from this report.	Rob Jarman, Head of Planning & Development
Legal	There is a statutory duty to cooperate on cross-boundary planning matters relating to	[MKLS Planning Team]

	adjoining authorities which might affect both (or more) authorities. By providing an accurate and informed response to the consultation, MBC are, prima facie, acting in compliance with its statutory duty in relation to this consultation stage.	
Equality Impact Needs Assessment	The consultation proposals are not detailed enough to raise any specific concerns.	[Equalities and Corporate Policy Officer]
Environmental/Sustainable Development	The preparation of Local Plans, whether it be this Council's Local Plan or another authority's Local Plan, is fundamentally concerned with delivering sustainable development.	Rob Jarman, Head of Planning & Development
Community Safety	No implications	Rob Jarman, Head of Planning & Development
Human Rights Act	The consultation proposals are not detailed enough to raise any specific concerns.	Rob Jarman, Head of Planning & Development
Procurement	No implications.	Rob Jarman, Head of Planning & Development [& Mark Green, Section 151 Officer]
Asset Management	No implications	Rob Jarman, Head of Planning & Development

7. REPORT APPENDICES

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

- Appendix A: MBC response to Tunbridge Wells Local Plan (2013-33) Issues & Options consultation

- Appendix B: Tunbridge Wells Local Plan (2013-33) Issues & Options consultation
-

8. BACKGROUND PAPERS

There are none.

Maidstone Borough Council

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(BY EMAIL: planning.policy@tunbridgewells.gov.uk)

Date: 31st May 2017

Dear Mr Hinton

Tunbridge Wells Borough Local Plan: Issues & Options Consultation & draft Landscape Character Assessment SPD

Thank you for consulting Maidstone Borough Council on the above documents.

The responses below are officer level comments, submitted in order to meet the consultation deadline of 12th June. This response will be considered by my council's Strategic Planning, Sustainability and Transportation Committee on 13th June. Following this meeting I will write to confirm if there are any adjustments to this response as a result of the Committee's consideration.

Issues & Options document

Question 1 re Draft Vision

The proposed Local Plan Vision commences with the statement that 'in 2033 Tunbridge Wells Borough Council will have delivered development to meet its local needs in a sustainable way'. In response, this reference to local needs is on the face of it contrary to the National Planning Policy Framework and the National Planning Practice Guidance and is therefore the wrong starting point for the Plan. It is considered that the Plan's objective should be to meet all of the borough's development needs (where this is consistent with national policy) and not be limited

to 'local' needs, however this is to be defined. For housing, the NPPF explicitly requires local planning authorities to take account of migration when identifying the amount of housing needed (paragraph 157) and not to limit requirements to natural growth only. Similarly Local Plans are required to plan for anticipated economic inward investment and new and emerging business sectors which may locate in an area (paragraph 21), emphasising that development needs may go beyond those generated by existing local businesses.

The reference to local needs should be omitted from the draft Vision.

Question 5 Draft Strategic Objectives.

Draft Objective 4 is 'To provide high quality housing: to deliver the Local Plan's housing requirements, to include a range of housing types to meet local needs.' The NPPF does not support limiting provision to local needs, instead directing that a mix of housing should reflect demographic and market trends (which would include migration) and the needs of specific groups (paragraph 50).

The reference to local needs should be omitted from the draft Strategic Objectives.

Q6e/f – Main housing issues affecting the borough

As drafted, this section does not mention the requirement to provide for the specific accommodation needs of Gypsies and Travellers in the borough. Whilst Tunbridge Wells borough is understood to have a relatively small established population of Gypsies, Travellers and Travelling Showpeople, making planned provision for this community is an issue that must be considered and addressed through the Local Plan, drawing on an up to date assessment of needs. There may also be a need to make specific site allocations in the Plan as a result.

Q7 Cross boundary strategic planning

The consultation document lists some examples of potential cross-boundary strategic planning issues, the first being 'how the growth and development needs of the wider area can be accommodated'.

Consultation on proposed Main Modifications to the Maidstone Borough Local Plan has recently closed. Subject to the findings of the Local Plan Inspector in his final report, the Local Plan will provide for this borough's development needs for housing, employment, retail and Gypsy & Traveller needs up to 2031. A planned review of the Plan to be adopted by April 2021 will, amongst other things, reinforce the housing land supply position for the post 2026 period and, potentially, roll the end date of the Plan forward.

Maidstone Borough Council

Based on the work to date, the Issues & Options consultation document states that “the Council may face significant challenges in seeking to provide for the borough's relevant level of development need in the light of very significant landscape, environmental and infrastructure constraints” (paragraph 5.4). The document goes on to state that “the starting point is to meet the identified level of development needs in full, unless there are good planning reasons why this is not sustainable; for example, because of development constraints” (paragraph 5.17). Section 1 of the document identifies such potential constraints as including infrastructure capacity, highway capacity and congestion, landscape sensitivity, flooding and the nature of the existing built environment. It is understood that this draws on the council's Development Constraints Study 2016 which provides a factual overview of the geographical location of environmental, transport and Green Belt constraints but does not, as yet, reach conclusions on the development capacity of the borough.

Clearly this is a relatively early stage in the Plan making process and significant relevant studies are yet to be completed, in particular highways modelling, a Green Belt Review and further infrastructure capacity work.

As well as the identification of constraints, the work done to explore how such constraints can be overcome is likely to prove crucial. This accords with the NPPF requirement that Local Plans' starting point is to meet identified needs in full and not be limited to an assessment of local requirements. A pro-active and iterative approach which explicitly tries to address constraints is likely to be strongly linked to the demonstration that the Local Plan has been positively prepared.

Only if it is adequately demonstrated, through evidence and positive planning, that needs cannot be met in full should the scope for provision in other authority areas be explored. With respect to housing, the relevant geographical area is the housing market area (NPPF paragraph 47). The Sevenoaks and Tunbridge Wells SHMA (2015) identifies a single HMA covering Sevenoaks, Tunbridge Wells, Tonbridge and Crowborough (in East Sussex). The SHMA advises that in the event of an unmet need it would be appropriate to approach the authorities which share the HMA (in whole or in part) namely Sevenoaks, Tonbridge & Malling, Wealden and Rother. In the event of a proven unmet need, MBC would therefore expect opportunities to be fully explored in these authority areas as the priority.

In a similar vein, the Tunbridge Wells Economic Study (2016) concludes that Tunbridge Wells borough shares a functional economic market area with Sevenoaks District and Tonbridge & Malling borough, reflecting, in particular, the pattern of

Maidstone Borough Council

strongest commuting flows. These are the authorities with which Tunbridge Wells borough has the strongest economic links where any unmet needs should most appropriately be directed.

A further strategic issue identified in the consultation document is transport connections with Maidstone.

The principal road connections between the boroughs are A26 which connects Maidstone and Tunbridge Wells and A229 (Cranbrook/Staplehurst and then Maidstone). In respect of rail links, the Tonbridge to Ashford line connects Paddock Wood with the settlements of Marden, Staplehurst and Headcorn. Rail connections between Royal Tunbridge Wells and Maidstone town are indirect, requiring changes at both Tonbridge (Tonbridge - Hastings line) and Paddock Wood to reach Maidstone West via the Medway Valley Line.

As noted above, commuting patterns for Tunbridge Wells are strongest with Tonbridge & Malling, Sevenoaks and London whereas for Maidstone borough commuting flows are greatest with Tonbridge & Malling and London and Medway. The scale of commuting between Maidstone and Tunbridge Wells borough is, relative to other areas, less significant.

This understood, proposals which could upgrade transport connections, and specifically public transport services, between the boroughs would be welcome in principle. MBC would therefore request further clarification and discussion on this subject area as part of the Duty to Co-operate between the two authorities.

Landscape Character Area Assessment SPD

Section 7 of the document identifies that landscape character does not stop at administrative boundaries and that the assessment aims to join up with the equivalent studies in neighbouring areas. For Maidstone borough it is the 'Maidstone Landscape Character Assessment' (March 2012) to which the assessment's authors should have regard.

I hope these comments are helpful and I look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the Duty to Co-operate as your Local Plan progresses.

Maidstone Borough Council

Yours sincerely,



Mark Egerton
Planning Policy Manager

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Tunbridge Wells Borough

Local Plan



Issues and Options
Consultation
2 May to 12 June 2017

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Foreword

Our borough is a great place to live, work and visit and the Council is committed to encouraging investment and sustainable growth and to enhance quality of life for all.

Preparing a new Local Plan provides an opportunity to look afresh at what sort of place we want the borough to be in the future, recognising that it will be difficult to achieve a balance between seeking growth to meet the needs of current and future generations and safeguarding the natural, built and historic environments that are so special. We want the borough to continue to be prosperous, for there to be opportunities to support the wellbeing of our residents and to ensure that every resident is able to access the opportunities that the borough provides.

Much has changed since 2010 when the current Plan, known as the Tunbridge Wells Borough Core Strategy, was finalised. The new Local Plan must provide a clear vision of what is to be achieved over the period to 2033 having regard to changed circumstances of recent years and in particular increased levels of housing and economic development need.

We want to positively plan for our borough's future, providing for needed development and associated infrastructure while retaining the quality of our local environment.

Reconciling differing opinions, particularly about where housing and other development should take place, will not be easy; however, we are keen to hear everyone's views on the issues and options explained in this document and would like to thank you for taking an interest in the future of the borough.

**Councillor Alan McDermott
Deputy Leader and Portfolio Holder for Planning and Transportation**

Section 1: Introduction

About this consultation

1.1 Tunbridge Wells Borough Council has embarked on the production of a new Local Plan for the borough. This consultation document sets out our initial thoughts about what the scope of the new Local Plan should be and the planning issues that we think it should address.

1.2 The following existing Plan documents are being reviewed and it is intended that they will be replaced by a new Local Plan:

- Tunbridge Wells Borough Local Plan (June 2006) Saved Policies
- Tunbridge Wells Borough Core Strategy DPD (June 2010)
- Tunbridge Wells Borough Site Allocations Local Plan (July 2016)

1.3 Where policies in the existing adopted Plans remain up to date and relevant, it is intended that these will be carried forward unchanged into the new Local Plan. There may also be a need to combine policies or reconsider them in response to any issues raised through the consultation process.

1.4 Where sites already allocated for development under the Site Allocations Local Plan (2016) remain available and deliverable they will be included in the new Local Plan unless circumstances have materially changed.

1.5 The new Local Plan, when finalised, will set out the policies and plans to guide the future development of Tunbridge Wells borough in the period up to 2033. It will identify the scale of development required during this period and the key locations to meet this need.

1.6 This document, however, focuses primarily on the identified issues relevant to preparing a new Plan for Tunbridge Wells borough and on possible new options to deliver the scale and distribution of new development throughout the borough for the period up to 2033.

1.7 The following are included in this consultation document:

1. A set of draft objectives for the new Local Plan that give an indication of the expected scope of the Strategy.
2. Our view of the main issues and options relevant to future development in the borough and which will be addressed within the new Local Plan.
3. Five potential strategy options for the distribution of new development within the borough, together with the implications of each for all the issues identified.

1.8 Although the Council has still to determine whether it can meet its full development needs in a sustainable way, it considers that, at this early stage, it should invite comments on potential strategy options for delivering new homes, employment space, retail and leisure facilities in Tunbridge Wells borough. In presenting these options for comment it is recognised that there are significant constraints within the borough and the ability to accommodate sustainable new growth at whatever defined level will need to have proper regard to these considerations. This consultation will also provide the opportunity for those responding to identify any alternative scenarios that they think the Council should be considering.

Consultation Process

Public consultation: how to get involved

1.9 This is an opportunity for you to have a say, at an early stage, in the preparation of a new Local Plan. The Issues and Options document sets out some questions and identifies a number of possible options for where and how the future growth of the borough might be located.

1.10 The consultation on this document runs for six weeks from Tuesday 02 May to Monday 12 June 2017.

1.11 For comments to be considered they must be submitted to the Council by **5pm on Monday 12 June 2017**.

1.12 Comments can be made in a number of ways, as set out below.

[Via the consultation portal](#)

1.13 The consultation document and supporting studies/information can be viewed, and comments made directly online, using the Council's consultation portal at <http://consult.tunbridgewells.gov.uk>. If using the portal for the first time you will need to register first and then log in to make comments on the document. If you experience any problems or have any queries please email planning.policy@tunbridgewells.gov.uk. We will contact you and provide help.

[Using a response form](#)

1.14 Alternatively, a response form (for filling in electronically or printing out) can be downloaded from the Council's website at www.tunbridgewells.gov.uk/localplan or you can request a paper copy by phoning 01892 554056.

1.15 This form can be returned in the following ways:

- by email to planning.policy@tunbridgewells.gov.uk
- by post to Planning Policy, Planning Services, Tunbridge Wells Borough Council, Town Hall, Royal Tunbridge Wells TN1 1RS

1.16 All responses received electronically (directly in the consultation portal or by email) will receive an electronic acknowledgement. Response forms or letters received by post will not be acknowledged. Please note that if you respond electronically (directly in the consultation portal or by email) we do not require you to send in a paper copy as well.

Consultation documents

1.17 This consultation includes the following documents:

- Tunbridge Wells Borough Local Plan: Issues and Options
- Response form for Issues and Options document
- Interim Sustainability Appraisal
- Response form for Interim Sustainability Appraisal

1.18 The documents can also be viewed at the following locations for those without access to a computer:

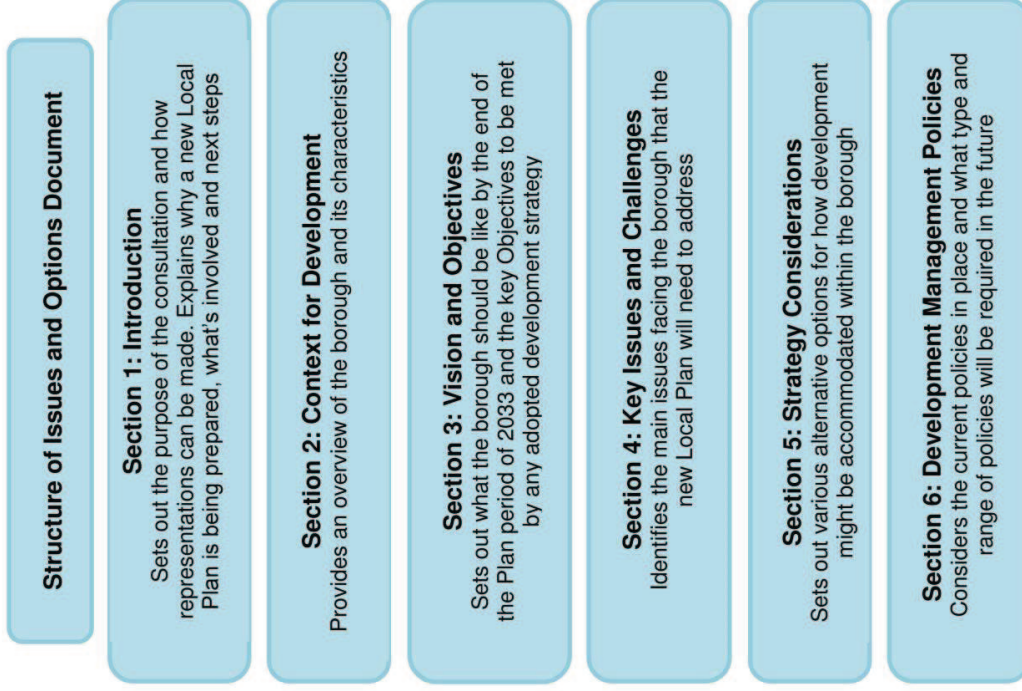
- Tunbridge Wells Gateway, 8 Grosvenor Road, Royal Tunbridge Wells, TN1 2AB, open from 9am-5pm Monday to Friday
- Weald Information Centre, The Old Fire Station, Cranbrook, Kent TN17 3HF, open from 9am-5pm Monday to Friday
- All libraries in the Tunbridge Wells borough area. Please check with the particular library for opening times

Exhibitions

1.19 A number of public exhibitions are planned as part of the consultation and details of these are set out below. Borough Council staff will be available at these events to provide further details and answer questions. Please check for any updated details of these events on our web page at www.tunbridgewells.gov.uk/localplan.

Venue	Date and opening times
Matfield Pavilion, Matfield	Wednesday 10 May from 4pm to 7pm
Royal Victoria Place Shopping Centre (Unit 9 in Ely Court)	Thursday 11 May from 4pm to 7pm
Vestry Hall, Cranbrook	Friday 12 May from 4pm to 7pm
Royal Victoria Place Shopping Centre (Unit 9 in Ely Court)	Saturday 13 May from 10am to 2pm

1.20 The diagram below sets out the structure of the Local Plan Issues and Options consultation document.



1.21 The results of this consultation, along with ongoing evidence studies, will be taken into account in the preparation of the new Local Plan. Subject to the outcome of this consultation it is intended that a full draft Plan will be published for further public consultation in spring 2018. The timetable for the new Local Plan can be viewed on the Council's website⁽¹⁾. It will be reviewed and updated as the draft Plan progresses through the various stages.

1.22 The draft Local Plan will be submitted in due course for public examination by an independent Planning Inspector appointed by the Government. If the Local Plan is found sound it will be adopted by the Council. Once adopted it will be the legal basis for deciding whether to approve future planning applications for development.

1.23 Thank you for taking the time to participate in the production of the new Tunbridge Wells Borough Local Plan. If you have any queries about this consultation, require any additional information or assistance regarding the new Local Plan, or require copies in alternative format and/or language, please contact the Planning Policy Team.

Planning Policy email: planning_policy@tunbridgewells.gov.uk
Telephone: 01892 554056

Producing a new Local Plan

Why is a new Local Plan needed?

1.24 The planning system has undergone extensive reform in recent years, with two of the most significant changes to planning policy being the abolition of previous regional planning policies and the introduction of the National Planning Policy Framework (NPPF) in 2012.

1.25 A central aim of the NPPF is to achieve a significant change in housing delivery and to meet housing and other development needs in full, unless it is demonstrably unsustainable to do so. There is a stronger emphasis on the significant social and economic benefits of providing for

¹ <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/local-development-scheme>

an area's full development needs, to be weighed in the balance with environmental and landscape considerations to achieve sustainable development.

1.26 Against this background of change there are a number of reasons for reviewing the Council's current planning policy documents:

- to adopt a new up to date Plan that reflects the new issues that have arisen since adoption of the Council's current Plan documents
- to provide for the additional new housing, employment and other development that will be required to meet future identified needs
- to extend the existing Plan period to 2033 in order to ensure that there will be a 15 year time horizon as recommended in the NPPF
- to reflect changes to national planning policy and guidance
- to combine the existing Plan documents into a single Local Plan as recommended in the NPPF

1.27 It is intended that the new Local Plan will cover the period up to 2033 and replace the following current planning policy documents: Core Strategy 2010, Site Allocations Local Plan 2016, and 'saved policies' of the 2006 Local Plan.

1.28 The consequences of not having an up to date, national policy compliant plan for the borough are serious and far reaching. It is for this reason that the production of a new Local Plan for the borough is so important in order to guide the location of appropriate development, as without such a plan in place, development could come forward on an ad hoc basis, through planning applications, and with the risk that it would put the borough in a situation of 'planning by appeal'.

What sort of document will the new Local Plan be?

- 1.29** The Local Plan will provide:
- a spatial **vision** for the borough and strategic **objectives** to achieve that vision
 - a **development strategy** to provide:

- a framework for the allocation of sites for specific uses (for example, housing and business use)
- the context for designating areas where specific policies will apply, either encouraging development to meet economic and/or social objectives or constraining development in the interests of environmental protection

- **Site-specific allocations and policies for development** of identified sites

1.30 The Plan will also contain more detailed development management policies and guidance against which future planning applications and proposed development will be considered, as well as a monitoring and implementation framework to secure its success.

1.31 Many of the general development management policies will apply throughout the borough and may reflect a number of the current general policies saved from the 2006 Local Plan, such as the need to ensure that development meets a high standard of design and access. Section 6 of this consultation document comments on the possible suite of policies and invites comments.

What will the Local Plan look like?

- 1.32** The Local Plan will be a single document containing policies, proposals and a map. More specifically it will include:
- a portrait of the borough as it is now, its development needs and challenges, a vision of what it could be like in the future, and a set of objectives to achieve this
 - a list of proposed development sites (known as 'allocations') for new housing, employment and other development to meet the needs of the borough
 - a set of policies that will guide development and investment decisions across the borough and will be the starting point for decisions on future planning applications and
 - a proposals map of the borough that will show the location of the development site allocations and define the boundaries of towns and

villages, existing residential and employment areas, town and district centres, Green Belt and other countryside, green spaces, conservation areas, wildlife sites, etc

Relationship to Neighbourhood Plans

1.33 The Local Plan will provide the framework for those local communities who are preparing a neighbourhood plan, responsibility for which rests with the local town or parish council. These neighbourhood plans will need to set out a specific local vision for the relevant area and will include planning policies for the use and development of land.

1.34 Neighbourhood plans do, however, need to conform with national planning policies and the strategic policies of the Borough Council's Local Plan. The Borough Council is working closely with a number of town and parish councils to support them in the neighbourhood plan process and it will be important to ensure this collaborative working continues into the future⁽²⁾.

Evidence Studies

1.35 As set out in the NPPF, each local planning authority should ensure that their Local Plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. The Council has therefore been commissioning and producing various pieces of supporting evidence.

1.36 This evidence base, comprising studies, research reports, technical papers and other information, will inform the preparation of the Local Plan. The specific pieces of work that comprise the current evidence base, together with those to be undertaken, are listed in Appendix 1⁽³⁾.

Call for Sites

1.37 The Council carried out a 'Call for Sites' consultation between February and September 2016. This provided an early opportunity for developers, landowners, town and parish councils and other interested parties to put forward land to the Council for consideration as potential sites to be allocated in the new Local Plan.

1.38 A number of sites were put forward to the Council in response to this consultation in a range of locations across the borough. Further details can be viewed on the Council's website (see Local Plan web link at footnote 3).

1.39 Any additional sites, or changes to sites submitted through the previous 'Call for Sites' consultation, may now be submitted to the Council through a further Call for Sites linked to this Issues and Options consultation. There is no need to resubmit sites submitted through the previous Call for Sites unless there are any changes to them. Further information is available on the Council's website (see Local Plan web link at footnote 3).

1.40 The Council will combine all land and sites suggested for development into a single database to produce a comprehensive Strategic Housing and Economic Land Availability Assessment (SHELAA). The purpose of carrying out a SHELAA is to identify a future supply of land that is suitable, available and achievable for all housing and economic development needs. We will also aim to identify sites that are suitable for other uses (for example, as open space, for community facilities, etc). The sites will be assessed for their suitability for development; however, it is not the purpose of the SHELAA to confirm whether a site will be allocated for development in the new Local Plan. In the meantime, an interim SHELAA⁽⁴⁾ is included within the evidence studies that accompany this document. Any comments can be made as a response to this consultation (at Question 19).

2 More information regarding neighbourhood planning in the borough is available on the Council's website at www.tunbridgewells.gov.uk/neighbourhoodplans.

3 Completed evidence studies can be viewed on the Council's website at www.tunbridgewells.gov.uk/localplan.

4 <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/new-local-plan/interim-strategic-housing-and-economic-land-availability-assessment>

Constraints

1.41 There is likely to be no single way or option to deliver the development needed in Tunbridge Wells borough. In terms of physical space, a number of locations throughout the borough could potentially accommodate some, or all, of the development required. As the issues presented in this document show, however, the potential of some areas is constrained by factors such as highway capacity and congestion, landscape sensitivity, flooding and the nature of the existing built environment.

1.42 In preparing the new Local Plan evidence base, the Council has reviewed all the main constraints likely to impact on delivery of development in the borough. A Development Constraints Study (2016)⁽⁵⁾ has been prepared, which comments on the main constraints and identifies those areas of the borough where development might be more difficult to achieve, as well as helping to identify possible areas of opportunity.

1.43 There is also a wider issue regarding the capacity of the borough's community infrastructure, such as schools and health-care facilities, to accommodate growth. The Council has been in early contact with service providers to inform them of the preparation of a new Local Plan and the likely levels of growth to ensure that the capacity of existing infrastructure, together with the need for new infrastructure, is fully understood before any decisions are taken.

1.44 It is also to be recognised that, while some of the borough's natural and built assets are seen traditionally as constraining to development, they do perform valuable roles in providing for and attracting tourism, contributing to the rural economy and being a source of recreation and leisure.

1.45 Overlaying the identified planning constraints with issues of congestion and infrastructure capacity highlights the challenges facing the Council in preparing a new strategy for accommodating the development needs of the borough in a sustainable way.

5 <http://www.tunbridgewells.gov.uk/Development/Constraints/Study/2016>

6 the Interim Sustainability Appraisal for consultation can be found on the Local Plan web page at www.tunbridgewells.gov.uk/localplan

7 <http://www.tunbridgewells.gov.uk/Interim-HRA>

The Duty to Cooperate

1.46 The duty to cooperate was created in the Localism Act 2011 and places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic matters. The duty to cooperate applies to strategic issues that have significant impacts affecting two or more local authority areas.

1.47 The Council continues to participate in cross-boundary planning and this early initial consultation stage provides an opportunity for adjacent local authorities and other stakeholders, including the Environment Agency, Historic England, Natural England and others, to provide their views and identify any strategic issues that they consider ought to be addressed.

Sustainability Appraisal and Habitats Regulations Assessment

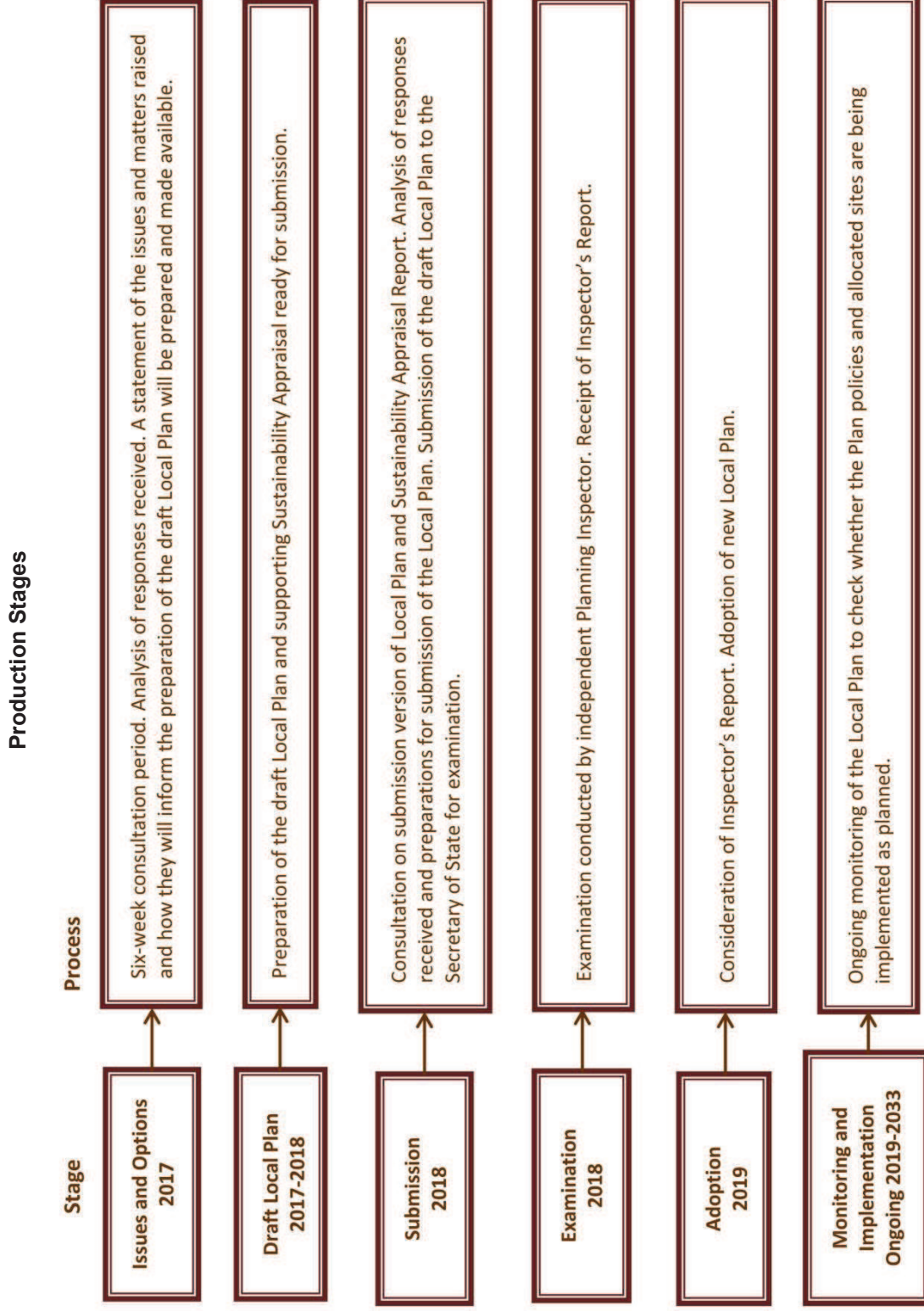
1.48 A Sustainability Appraisal is an appraisal of the economic, social and environmental sustainability of a Local Plan. It plays a key part in its preparation, not only in terms of the final Plan and its policies, but also throughout its preparation, including informing the assessment of alternatives.

1.49 An Interim Sustainability Appraisal has been prepared to accompany this Issues and Options document and has been published for consultation at the same time⁽⁶⁾.

1.50 A Habitats Regulations Assessment forms part of a European Directive that requires an 'appropriate assessment' of plans and projects that are, either alone or in combination with other plans and projects, likely to have a significant impact on certain designated habitats. For the purposes of this consultation, an initial assessment has been carried out on the potential impacts of different options for the distribution of development across the borough⁽⁷⁾.

Next Steps

1.51 The diagram below sets out in more detail the future stages for producing the new Local Plan.



Section 2: Context for Development

Borough Setting

2.1 Tunbridge Wells borough lies in the south west of Kent, bordering East Sussex. It covers an area of 326 square kilometres. The borough borders the authorities of Sevenoaks, Tonbridge & Malling, Maidstone and Ashford in Kent; and Rother and Wealden in East Sussex.

Figure 1 Borough Location



Settlements

2.2 Royal Tunbridge Wells forms the majority of the main urban area and provides a large proportion of the social, cultural and economic opportunities available in the borough. In addition to being the borough's principal retail centre, the town provides a wide variety of services, including primary and secondary schools, sports and community facilities and train stations.

2.3 Historical and architectural features of the town, such as the Pantiles, also provide a high quality environment that attracts a significant amount of tourism to the borough. There are also a number of parks and commons that are integral to the character of the town.

2.4 Southborough also lies within the main urban area with Royal Tunbridge Wells, but has a separate smaller town centre and local 'Neighbourhood Centre' at High Brooms within its parish. As well as providing its own independent shopping facilities, Southborough also has a number of local and community services such as primary schools and specialist education facilities and a good range of recreational facilities.

2.5 Both Royal Tunbridge Wells and Southborough lie within the western part of the borough that is designated as Metropolitan Green Belt and/or the High Weald Area of Outstanding Natural Beauty (AONB).

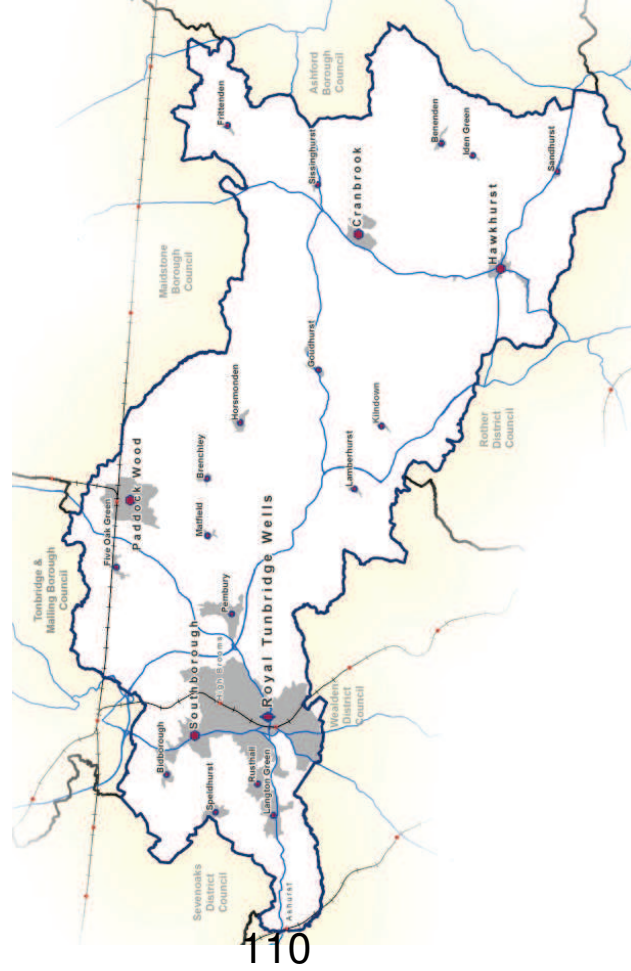
2.6 Paddock Wood benefits from good transport links and higher-order facilities, such as a secondary school and sports centre. There is a large employment area to the north of the railway line, which supports the town, the rural hinterland and beyond. In addition to a supermarket, existing retail is mainly devoted to the provision of local services. The western edge of the town abuts the Green Belt and the results of the previous Strategic Flood Risk Assessment (2009)⁽⁸⁾, currently being updated, show that areas, particularly to the north of the town, are at risk of flooding.

8 <http://www.tunbridgewells.gov.uk/SFRA-Level-2-Report-Sep-2009>

2.7 Cranbrook is an attractive, vibrant rural town located within the High Weald AONB. The local architecture and features give it a distinctive character. Cranbrook also benefits from a range of comparison shopping facilities, a supermarket, secondary schools, a sports centre and the Weald Information Centre.

2.8 Hawkhurst features local architecture that is distinctive to the area and is located within the High Weald AONB. It supports a wide rural hinterland and benefits from a primary school, small independent cinema and two supermarkets.

Figure 2 Borough Overview Map



2.9 The borough is also home to a variety of village settlements, each with its own character. Most villages are in the High Weald AONB and some in the western part of the borough are also in the Green Belt. All provide some facilities, such as a primary school, shop, public house or church. In addition, there are a number of hamlets and other more remote

clusters of buildings and farmsteads dispersed across the borough, many of which are located within the High Weald AONB and/or Green Belt and provide important features of the landscape.

Demographics and Housing

2.10 The Strategic Housing Market Assessment (SHMA) (2015)⁽⁹⁾ concludes that an appropriate trend-based demographic projection would see population growth of 19,200 (16.6%) in Tunbridge Wells borough over the 2013-33 period.

2.11 The average house price in Tunbridge Wells borough was £351,000 at the time of the 2015 assessment and therefore above those across the wider housing market area (£324,000) and Kent (where the average is £253,000). The mapping of house prices shows that prices are similar to other areas close to London. While house price increases over the period since 2008 have been modest, particularly in real terms (taking account of inflation), growth in rents has been above inflation.

2.12 Evidence from the SHMA indicates notable affordability pressures for market house purchases, with entry level house prices 11 times earnings of households in the borough. This compares to a ratio of 6.5 nationally and an average of 10 within Kent as a whole. The analysis also suggests some real impacts arising from high housing costs. Over the 2001-11 period, home ownership fell (with increasing numbers of households renting privately). Levels of over-occupied households and those in shared housing increased, albeit that levels of both remain below the Kent and national average.

2.13 The SHMA draws together the above factors to identify the full objectively assessed need (OAN) for market and affordable housing. It identifies a need for 648 homes per year in Tunbridge Wells borough over the 2013-33 period (12,960 over 20 years). The Housing White Paper published in February 2017 refers to the development of a nationally

9 http://www.tunbridgewells.gov.uk/SHMA_September_2015

recognised methodology for calculating the OAN, the details of which have not yet been released. It is likely, therefore, that the OAN for the borough will be reviewed in due course.

2.14 The rising household numbers, coupled with an ageing population, mean that the borough will continue to need to provide a mix of housing types and sizes, including specialist forms of housing. This presents a challenge for the new Local Plan, as it will need to facilitate the delivery of affordable housing and a range of housing types to meet identified needs, including those of older people, within both the market and affordable sectors.

Economy

2.15 It is considered that Tunbridge Wells is an attractive business location. The availability of a highly skilled workforce and the high quality of the area as a place to live are key influences on Tunbridge Wells as a business location. There are opportunities for growth across a range of sectors, including professional and business services and also the creative industries, information and communication technologies. The Economic Needs Study (2016)⁽¹⁰⁾ considers that the Council should plan positively for economic growth and should provide for the growth of approximately 10,000 new jobs over the Plan period, equating to 11-15 hectares of new business floorspace within the borough.

2.16 Over the period from 2009-2014 evidence suggests that levels of employment growth equated to 2,120 employees on average per year and over this period change was apparent in a number of sectors. In 2014, the key business sectors in Tunbridge Wells included: distribution, hotels and restaurants; banking, finance and insurance; and public administration, education and health sectors, accounting for 81.9% of employees. Tunbridge Wells has a particular specialism in the financial and insurance industry, with this representing a larger proportion of all employment than seen in other South East areas. It also has a higher than average proportion of micro businesses employing nine or fewer people.

2.17 Over the period from 1997-2013 there has also been growth in the value of goods and services produced in the area. A substantial proportion of this growth has been in the information and communication sector. There has also been growth in the contribution of both professional and other services and accommodation, food services and recreation.

2.18 While the area remains an attractive business location with good prospects for growth, it is considered that opportunities need to be provided to actively facilitate business growth and expansion. A key issue is the lack of available land and premises, as well as an ageing stock of employment floorspace and improvements required to transport and infrastructure. There has also been a significant loss of office floorspace in recent years, with little significant new development. Further losses are expected to continue, which represents a significant threat to the supply of office floorspace across Tunbridge Wells.

2.19 In terms of retailing, Royal Tunbridge Wells itself is a vibrant and viable town centre, which draws considerable trade from a wide surrounding area. It is ranked 52 in the Javelin Venuescore UK Retail Rankings 2014/15 and has very high levels of containment of retail spending, reducing the need for residents to travel elsewhere to meet their shopping needs. The Retail and Leisure Study 2017⁽¹¹⁾ identifies a need for both new convenience and comparison retail floorspace over the Plan period. As well as the diverse retail offer, it is also a significant leisure and cultural centre with a number of theatres, a museum and art gallery and a lively local music scene. A number of other smaller town and rural service centres also provide for residents across the wider borough.

2.20 Additionally, the high quality open space and historical areas, including the Pantiles within Royal Tunbridge Wells and the historic buildings and gardens, as well as the landscapes of the rural areas, attract a significant amount of investment in the form of tourism to the wider area.

10 <http://www.tunbridgewells.gov.uk/EconomicNeedsStudyAugust2016>

11 The Retail and Leisure Study 2017 can be viewed under the heading Evidence Studies on the Local Plan web page at www.tunbridgewells.gov.uk/localplan

Environment

2.21 The quality of the landscape across the borough is generally high or very high, with 70% designated as High Weald Area of Outstanding Natural Beauty (AONB) and is described in the Borough Landscape Character Assessment. The AONB is of national importance but many local features and views inside and outside the AONB are valued by residents, with Commons, village greens and parks providing important spaces and links to the countryside. The Commons within Royal Tunbridge Wells and Southborough are a particularly distinctive feature that have statutory protection. Within the urban landscape, valued landscape features, including Areas of Landscape Importance and Important Landscape Approaches have been identified. The rural landscape is rich in designated Historic Parks and Gardens, extensive areas of Ancient Woodland, ancient field patterns and hedgerows, rural lanes and scattered medieval farmsteads. Around 22% of the western part of the borough surrounding Royal Tunbridge Wells, Southborough and Pembury is Metropolitan Green Belt, which is a significant constraint to development.

2.22 Urban trees, including street trees and commemorative planting, have always formed an important part of the character of views into and within the town of Royal Tunbridge Wells. The stone towers and spires of the many churches in the town, most dating from the 19th century, complement and blend with the green spires of the historic green infrastructure and together they create a townscape of visually pleasing tall features that is evolving but consistent, and special to Tunbridge Wells.

2.23 The borough supports a wide network of biodiversity sites, including 10 Sites of Special Scientific Interest, 59 Local Wildlife Sites, 17 Sites of Local Nature Conservation Value and four Local Nature Reserves. There are also a number of key species and habitats that require protecting.

2.24 In terms of the borough's heritage, there are 25 Conservation Areas, approximately 3,000 listed buildings, 11 Scheduled Ancient Monuments and 45 Historic Parks and Gardens, as well as many other additional sites that feature on the Kent Historic Environment Record and within Heritage Counts. The borough also features many distinct archaeological features.

2.25 The borough also has in excess of 650 Tree Preservation Orders, which vary from protecting single trees, to protecting areas of substantial woodland.

2.26 The existence of these features across the borough acts not only as a constraint on development, but also as an opportunity. A challenge for the new Local Plan will therefore be providing for and balancing the competing pressures of housing, employment and retail need with the preservation and enhancement of local character and distinctiveness.

Section 3: Vision and Objectives

Vision

- 3.1** Preparing a new Local Plan provides an opportunity to look afresh at what sort of place we want the borough to be in the future. The new Local Plan will include a Vision of what the borough will be like in 2033, as well as objectives, proposals and policies, all designed to achieve the Vision.
- 3.2** The Borough Council is also in the process of producing a new Corporate Five Year Strategic Plan for the borough that will cover the period 2017 to 2022. Setting out the Council's aims and objectives for the next few years, the Corporate Plan will play an important role in informing the longer term spatial vision⁽¹²⁾.
- 3.3** The current Core Strategy Vision and Objectives were drawn up in 2009 and subject to extensive consultation and examination as part of that process. The Objectives were subsequently updated through the Site Allocations Local Plan, which was adopted more recently in 2016.
- 3.4** The new Local Plan must provide a clear vision of what is to be achieved in the borough over the extended Plan period to 2033 having due regard to changed circumstances since the adoption of the Core Strategy and in particular increased levels of housing and economic development need.
- 3.5** The existing Vision and Objectives provide a useful starting point, but need to be reviewed and updated.
- 3.6** Accordingly, we would like to hear your views about the new draft Vision and Objectives.

Draft Vision

In 2033 Tunbridge Wells Borough Council will have delivered development to meet its local needs in a sustainable way. This includes the development of housing, economic, leisure and recreation uses identified within the new Local Plan. New development will seek to protect and enhance the exceptional quality of the built, natural and historic environment while promoting economic prosperity to ensure the borough remains a special place. It will be a place where people want to live, work and visit and where they have easy access to the services and facilities that they require on a day to day basis.

Question 1

Do you agree with the new draft Vision for the borough?

Question 2

What suggestions do you have for improving or updating the draft Vision and relating it to 2033?

12 <http://www.tunbridgewells.gov.uk/Our Five Year Plan>

Question 3

What should we be aiming and aspiring to achieve and why?

3.7 It is important that all development is carried out in a sustainable way, which is an overarching requirement of the government's national planning policies contained in the NPPF and set out in the Council's draft Vision above.

3.8 At the heart of the NPPF is the presumption in favour of sustainable development, which is referred to as a 'golden thread' running through both local plan making and decision taking. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. The Glossary at Appendix 3 provides an explanation of what is meant by 'sustainable development'.

3.9 In preparing a new Local Plan for the borough, the Council is required to positively seek opportunities to meet the identified development needs of the area. In order to be found 'sound' through the independent examination process, all local plans are required to demonstrate that they are consistent with the principles and policies of national planning policy, including contributing to the achievement of sustainable development.

Objectives

3.10 To realise the Vision, it is considered that the new Local Plan should make clear that future development in the borough will need to focus on meeting a number of specific challenges, which are summarised in the following eight draft Strategic Objectives. In addition, the Interim Sustainability Appraisal that accompanies this document sets out a number of Sustainable Development Objectives that support the development proposed through this Local Plan.

Draft Strategic Objectives

1. **Meeting development needs:** to provide sufficient, developable and deliverable land for a mix of uses in order to meet the borough's Local Plan development requirements to 2033.
2. **The borough's distinctive environment:** all new development will seek to protect and enhance both the natural, built and historic environment to ensure that its special character is maintained.
3. **Delivering sufficient infrastructure:** to ensure the provision of existing and future sufficient infrastructure to support the delivery of new development.
4. **To provide high quality housing:** to deliver the Local Plan's housing requirements, to include a range of housing types to meet local needs.
5. **Provision of economic growth:** to deliver the Local Plan's economic requirements in relation to employment and retail growth in order to deliver jobs and long term economic prosperity.
6. **Ensuring adequate leisure and recreational facilities:** ensuring the provision of high quality sports, recreation, community and cultural facilities that are accessible to all the borough's residents.
7. **Delivering sustainable development:** taking into account the economic, social and environmental impacts of all new development in light of local circumstances and opportunities.
8. **Delivering adequate transport and parking capacity:** in order to fulfil the transport needs of the borough and its residents and businesses, and provide easy access to services and facilities.

Question 4

Do you think these are the right Objectives?

Question 4a

If you answered No, please explain why you don't think these are the right Objectives.

Question 5

Are there any amendments required or other Objectives that you think should be included?

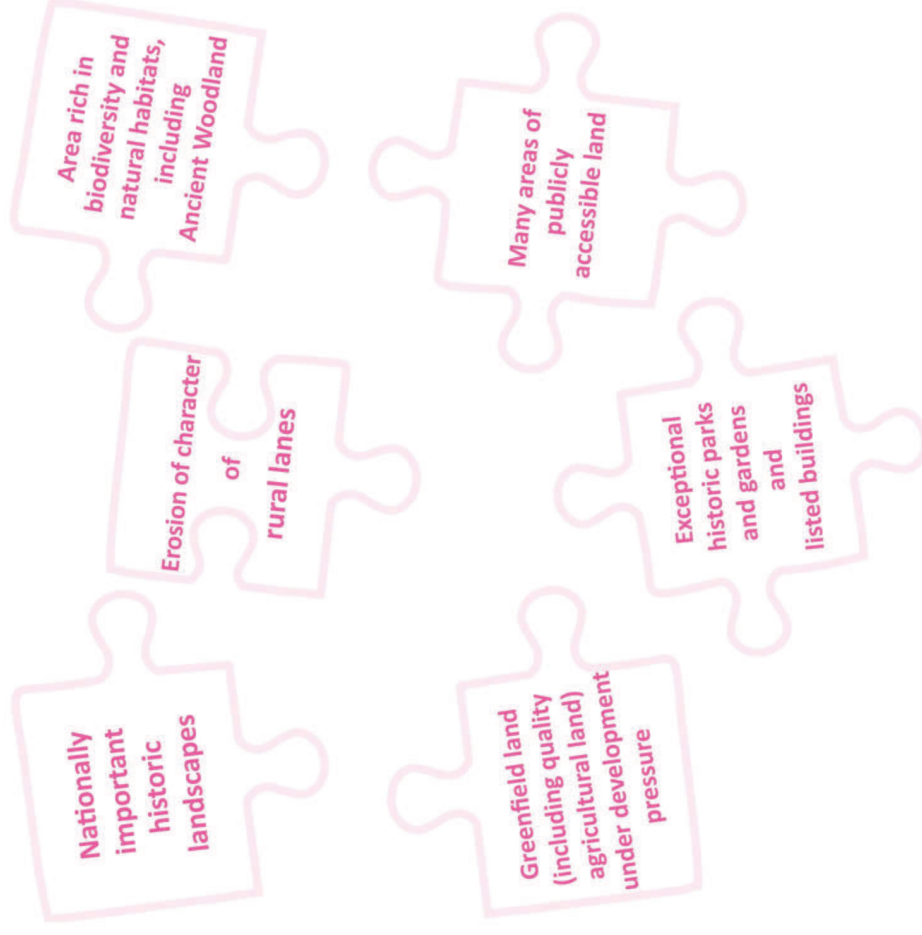
Section 4: Key Issues and Challenges

- 4.1 Based on the Council's work to date, including the various studies undertaken, it has been possible to identify key issues that the Local Plan will need to consider and address when putting forward a strategy and policies for delivery of growth.
- 4.2 The detailed issues have been grouped under the following themes, and are explained in greater detail in the following pages:

Natural and Built Environment
 Infrastructure
 Housing
 Economy
 Transport and Parking
 Leisure and Recreation
 Sustainability



Natural and Built Environment



4.3 Both the natural and built environment of the borough are highly prized by residents. 70% of the borough is designated as the High Weald Area of Outstanding Natural Beauty (AONB), of national significance, being one of the best surviving medieval landscapes in Northern Europe, and all areas have distinct landscape and environmental characteristics. There is extensive tree cover in the area, with many trees being protected by reason of Tree Preservation Orders, or by virtue of being in conservation areas. The Tunbridge Wells and Rusthall Commons and Southborough Common are particularly distinctive and important features that link the countryside with the towns.

4.4 The borough is also rich in historic features, with many designated and non-designated heritage assets, as well as buildings of architectural interest. These include listed buildings, conservation areas, scheduled ancient monuments, historic parks and gardens, commons, agricultural buildings and farmsteads, historic routeways, medieval field patterns and ancient woodland. An extensive network of public rights of way provides public access to many parts of the borough, supporting the natural and built environment as an important public recreation and amenity resource, and with potential to enhance health and wellbeing.

The Natural Environment

4.5 Pressure for new built development across the borough, including on greenfield land, could have direct impacts on landscape and environmental assets and their settings. The impact on farming activities and the possible loss of valuable agricultural land also needs to be considered.

4.6 The new Local Plan needs to ensure that, in facilitating development, proposals take full account of and reflect each site's landscape, treescape and environmental sensitivities. This includes development proposals outside the High Weald AONB and on other non-designated land. Protected and scarce species and habitats should not be adversely affected by development and there should be no net loss in biodiversity.

4.7 Intensive water management to prevent flooding and some farm practices can both lead to a loss of ecological value. This issue needs to be considered when assessing development proposals.

4.8 Small-scale development has the potential to be more easily accommodated within the existing local environment. The possible cumulative impact, however, of multiple developments on the natural environment, including rural lanes, and on the character and settlement pattern within and adjacent to the High Weald AONB needs to be considered. These issues need to be recognised and the Local Plan produced in a way that will ensure that, where opportunities exist, development proposals respect the local distinctiveness of the natural environment and provide for enhancements.

4.9 The new Local Plan will ensure that, whether through site allocation or provision of development management policy, due regard is given to the need to protect locally important views and the consideration of possible development impact on these views, especially when taller buildings are involved.

10 The Built Environment

4.10 The new Local Plan needs to ensure that development proposals take account of and reflect each site's sensitivities in terms of historic buildings and their setting, including areas designated as Conservation Areas. Designated heritage assets, including their settings, should be preserved or enhanced.

4.11 The new Local Plan should ensure that development proposals take account of and reflect each site's landscape and environmental sensitivities and any impact there may be on the surrounding built environment. Within the built up areas, new development will need to contribute to and add to the specific identity of the place and its surrounding urban realm. All opportunities for making and improving linkages between different parts of an urban area should be identified and included within proposals for development.

4.12 The cumulative impact of small piecemeal developments is not limited to natural environment situations. Such impacts can equally have a bearing on sensitive built environments. The new Local Plan should ensure that, where opportunities exist for development in principle, detailed proposals provide safeguards where necessary and opportunities for enhancements to the built environment.

4.13 Taking all of the above issues and considerations together, it is apparent just how much of the borough benefits from, but at the same time is constrained by, natural and built characteristics, all of which contribute to providing the high quality environment that is valued.

Supporting Documents

[Landscape Character Assessment \(2017\)](#), [Historic Landscape Characterisation](#), [Interim Habitat Regulations Assessment \(2017\)](#)

Question 6a

Have we identified the main environmental issues facing the borough?

Question 6b

If No, what environmental issues do you think are missing?

Infrastructure



4.14 Infrastructure planning is the process of planning to meet all requirements for infrastructure in line with proposed development. This process involves planning for many forms of infrastructure, which can be defined as physical, green and community. It is important that the new Local Plan addresses the infrastructure requirements created by new development and plans for infrastructure improvements to support increased housing provision and economic growth. The Plan will also need to address mitigation and adapting to climate change, provide for a growing and ageing population, and the creation of sustainable communities.

4.15 Frequently, when responding to consultations on planning proposals, residents and businesses raise concerns regarding a lack of infrastructure provision in the borough, including capacity issues in primary and secondary schools and in health provision, the need for utility upgrades and improvements, limited broadband and mobile coverage in the rural areas and the need to address flood risk, especially in Paddock Wood.

4.16 The current Infrastructure Delivery Plan (IDP) 2015 supports the level of growth set out within the adopted Core Strategy to 2026. A new IDP, however, will need to identify all infrastructure requirements as a result of the new development proposed, as well as any current deficiencies, and will enable the service providers (for example, energy and water companies and health and education providers) to target areas of need and support the level of growth set out within the new Local Plan. It is also important to recognise that a series of small piecemeal developments within an area can create similar pressures on the infrastructure of a local area as one larger development.

4.17 The Borough Council, together with landowners and developers, will therefore need to work closely with infrastructure providers, Kent County Council and neighbouring authorities to deliver adequate infrastructure and services in the most efficient ways, through the use of developer contributions and other funding mechanisms where available. This work has already commenced through early engagement with the relevant infrastructure providers to ascertain any areas of significant concern or capacity issues. This early engagement will then feed into the strategy options that will be developed following this early Issues and Options consultation.

4.18 The Council will need to ensure that any existing capacity issues are documented and that adequate management and mitigation measures are delivered where needed as part of facilitating new development. This will require ongoing cooperation between a number of levels of local government, national agencies and infrastructure providers.

Question 6c

Have we identified the main infrastructure issues facing the borough?

Question 6d

If No, what infrastructure issues do you think are missing?

4.19 The Local Plan is required to meet the borough's full objectively assessed need for market and affordable housing (unless there are good planning reasons why this is not possible) and to identify specific deliverable sites or locations for growth to meet this need.

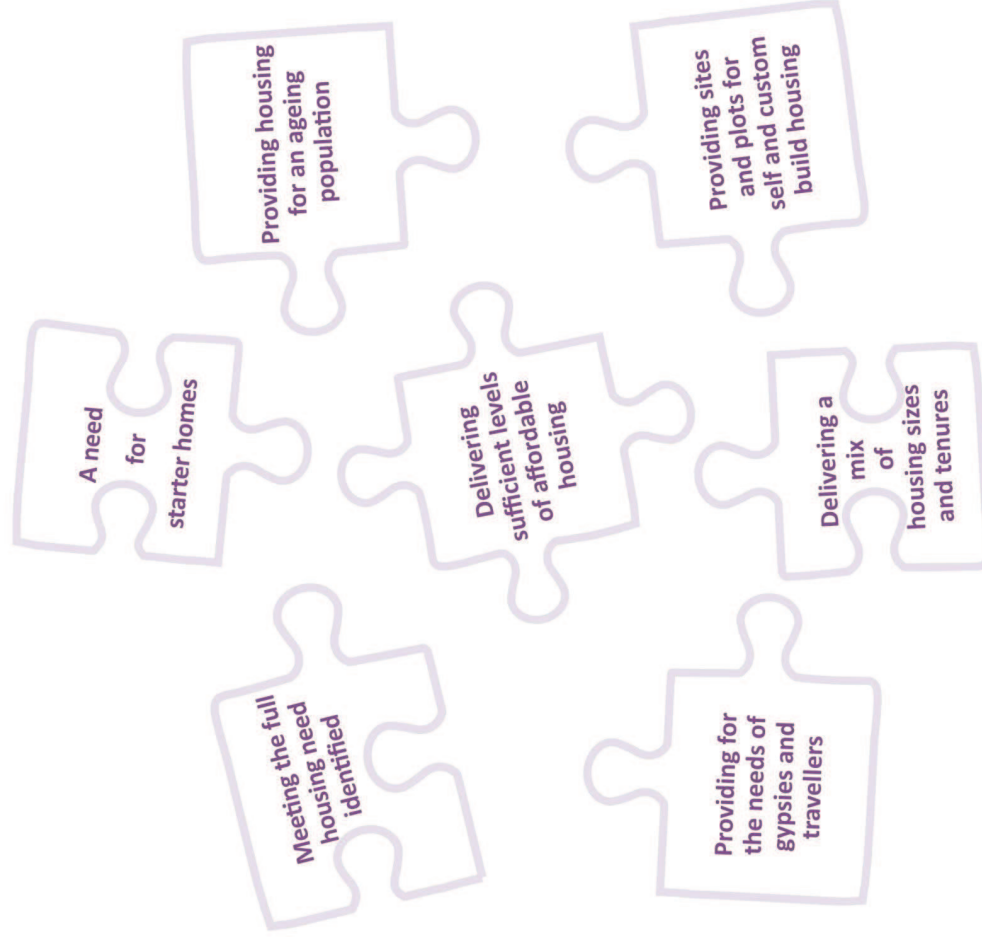
4.20 Previously, the adopted Core Strategy and associated Site Allocations Local Plan allocated sites for new housing based on a plan period of 2006-2026 and a housing target set by the former South East Regional Development Plan. In contrast, the new Local Plan will need to consider and provide for new levels of housing need as identified by the Borough Council's own evidence studies and, having regard to planning constraints, establish a new housing target for delivery.

4.21 In accordance with national planning policy and guidance, the Council commissioned and has published the Tunbridge Wells Strategic Housing Market Assessment 2015. This considers future housing needs for the borough over the period 2013 to 2033, the objectively assessed need (OAN) being calculated as 12,960 dwellings for the 20-year period (648 per annum). A proposed standardised methodology for calculating the OAN is proposed in the Housing White Paper and, once details are released by the government, the Borough Council will review the situation.

4.22 Housing developments will need to deliver a mix of housing types and tenures to reflect the needs of the community, including for both specialist housing (for example, housing for the elderly), starter homes and affordable housing. Sites and plots for self and custom build housing will also need to be identified.

4.23 The affordability ratio for housing in the borough (that is the ratio of house prices to earnings) is high and well above both county and national averages. Demographic analysis indicates that levels of household formation, particularly for younger households, have fallen. Within the rural villages a lack of affordable housing remains a pressing issue facing local residents, those on lower incomes finding it difficult to remain in, or move back to, the community in which they already live or work or with which they have strong local connections.

Housing



4.24 The Borough Council needs to maintain a five-year housing land supply to meet national planning policy requirements and to ensure a plan-led delivery of housing in the most suitable and sustainable locations. At the same time, however, the Local Plan is also required to consider the demands from other land uses as well as housing and take account of any constraints to development.

4.25 Given the environmental constraints within the borough, it is important that new development makes the most efficient use of land while also ensuring that development is of a high quality and does not have an unacceptable adverse impact on the character and setting of the borough's natural, built and historic environment.

Supporting Documents

[Strategic Housing Market Assessment \(2015\)](#)

Question 6e

Have we identified the main housing issues facing the borough?

1
2

Question 6f

If No, what housing issues do you think are missing?

Economy



4.26 The Local Plan is required to meet the borough's full objectively assessed need for employment land (Business Use Classes, including B1 - Business, B2 - General Industrial and B8 - Storage and Distribution), as well as housing. Previously, the Core Strategy and associated Site Allocations Local Plan allocated limited sites for new employment in accordance with the approach to employment development set out within the previous Employment Land Studies (2006 and 2010), which was to maintain the existing position, i.e. not significant new growth but maintaining the current level of employment.

4.27 The Council has recently carried out a new Economic Needs Study (2016), which has assessed the need for employment land (Business Use Classes B1 - Business (Office), B2 - General Industrial and B8 - Storage and Distribution) within the borough over the next 20 years. The Economic Needs Study concludes that existing employment areas should be retained (and where appropriate, enhanced and expanded) and also estimates a need for approximately 11-15ha of new employment land that should be allocated to meet future growth. Policies in the new Local Plan will need to reflect these findings.

4.28 The new Local Plan should therefore seek to provide appropriate employment sites, including within both the urban and rural areas, to meet identified needs and deliver a range of employment types and opportunities without having an unacceptable adverse impact on the character of the borough's natural, built and historic environment. There may be opportunities for the enhancement of the historic environment, including the re-use and conversion of historic buildings, that will contribute towards economic growth. These initiatives will help to ensure the borough is a key destination for businesses.

4.29 It is considered that existing, well located employment sites and premises will need to be retained and protected from change of use/redevelopment to alternative uses, maintaining the existing policy approach. Out of date accommodation, including office stock, and infrastructure will need to be replaced or upgraded to ensure that these areas continue to function as modern and appropriate employment locations and attract future investment. Good broadband connectivity is essential within all parts of the borough.

4.30 Changes to permitted development legislation allows, in certain circumstances, for the change of use from commercial to residential development. Coupled with high residential land values, this has resulted in a loss of employment land and opportunities for future commercial developments within the borough. This will need to be monitored by the Council to understand the impact this is having on the employment stock, particularly within Tunbridge Wells Town Centre. It is also important to support rural businesses and the contribution that they make to the local economy, particularly through the re-use of redundant rural and agricultural premises to provide new business space where appropriate, adding value to the rural economy.

4.31 In relation to retail development, the Council's previous approach was to provide for a certain level of growth mostly to be directed to Royal Tunbridge Wells as the regional centre within the borough in line with the previous Retail and Leisure Studies 2010 and 2014.

4.32 The Council has carried out a new Retail and Leisure Study, which considers the vitality and viability of existing defined centres within the borough and assesses the borough's requirement for new retail development and leisure facilities over the Plan period. This study concludes that a range of new retail floorspace should be provided in the region of 7,500-9,500sqm of convenience retail floorspace (i.e. new food and convenience stores) and 20,500-32,500sqm of comparison retail floorspace (i.e. new clothes, shoes, electrical goods and homewares) over the Plan period to 2033 as well as improvements to leisure provision. Again, the majority of this development should be directed to Royal Tunbridge Wells as the primary regional centre.

4.33 The new Local Plan will need to provide retail and leisure growth opportunities to enhance the existing centres (Royal Tunbridge Wells in the main, but also limited improvements to the smaller centres) in order to maintain their vitality and viability for investors and their attractiveness to residents and visitors over the longer term.

4.34 Provision for tourism in the borough includes accommodation and visitor attractions, offering opportunities for leisure, shopping and access to cultural facilities. Combined with the location between London and the

south coast and transport connections, this has made the borough a valued destination for visitors and with the associated economic benefits. The tourist industry is significant in terms of the investment and employment that it generates in both the urban and rural areas of the borough.

Supporting documents

[Economic Needs Study \(2016\)](#), [Retail and Leisure Study \(2017\)](#)

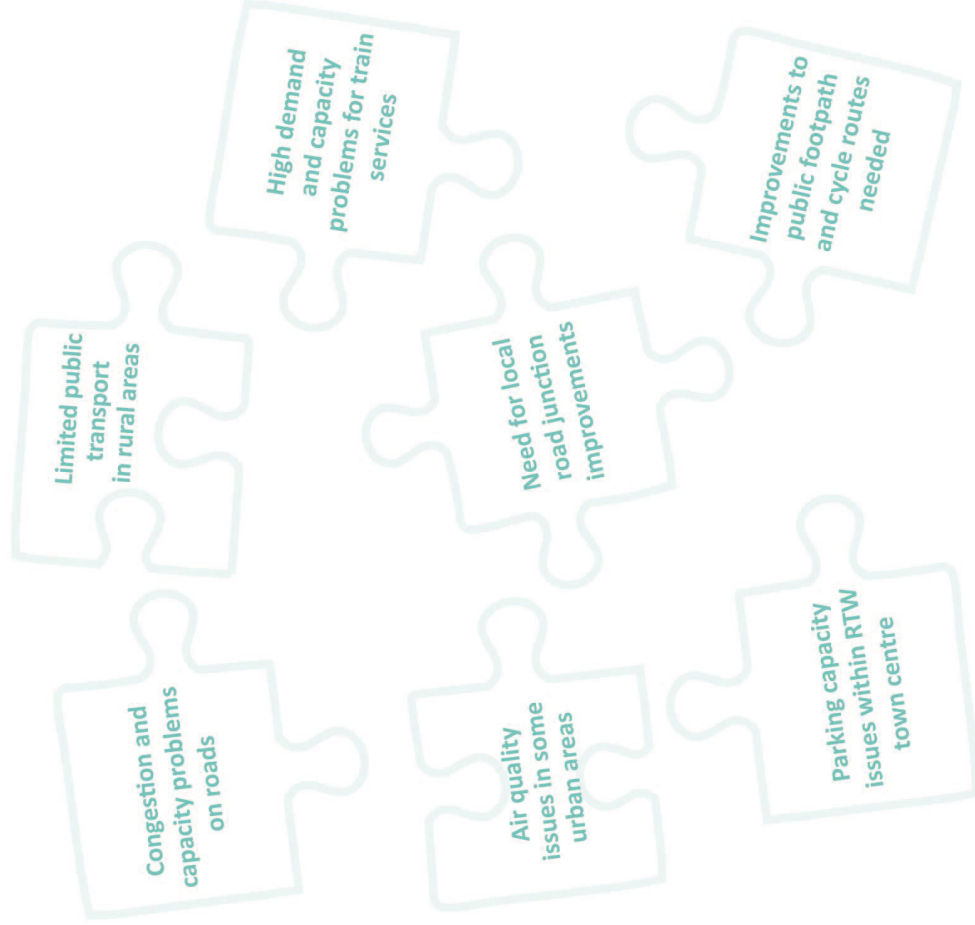
Question 6g

Have we identified the main economic issues facing the borough?

Question 6h

If No, what economic issues do you think are missing?

Transport and Parking



4.35 Tunbridge Wells borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change. The borough has an extensive highway network, with several A roads converging in the urban area of Royal Tunbridge Wells, including the A21, A26, A264 and A267. There have been recent improvements to the strategic road network at North Farm and current dualling of the A21, but congestion on the A21 at Kippings Cross and the A228/A264 Pembury Road remain unresolved. There are also further congestion, capacity and air quality issues on the A26, A264 and A228 Colts Hill.

4.36 The Council has prepared a Borough Transport Strategy, which sets out the vision for transport infrastructure for the period from 2015 to 2026. The objective of this document is not only to address existing transport problems but also to support the level of growth set out within the adopted Core Strategy. It seeks to strike a balance between the management of travel demand and provision of attractive transport choices, alongside any necessary highway capacity improvements, including key junction and road improvements.

4.37 Updated transport modelling work, as well as a refresh of the Borough Transport Strategy, will need to be carried out as the Council progresses with the new Local Plan to cover the period to 2033. Additional work will also need to be carried out in order to assess potential strategy and growth options. The Council must also keep abreast of new technology advances over the Plan period, including the possibility of new modes of transport.

4.38 There is a need to meet nitrogen dioxide reduction targets along the A26 in Royal Tunbridge Wells, which is identified as an Air Quality Management Area. The new Local Plan should be supportive of opportunities for improving air quality within these areas as well as borough-wide; for example, by promoting non-motorised forms of travel (for example, walking and cycling) through the improvement and additional provision of footpaths and cycle routes.

4.39 Outside of the main built up areas of the borough, there is limited public transport provision, particularly at certain times of the day. Additionally, there is a high demand for train services serving the borough, especially at peak travel times.

4.40 New development proposals will need to include parking solutions to ensure that additional parking pressures upon the surrounding area are not created. In those urban areas served by public transport and with nearby local services accessible on foot, it may be appropriate to provide a lower amount of parking within new developments than in relatively more isolated locations. It is important, however, to recognise that the provision of insufficient public parking spaces to serve commercial developments could deter visitors into an area, with a resulting detrimental impact upon the local economy. Reducing the dependency on private cars and achieving more sustainable travel options remains a challenge, especially in more rural areas.

4.41 The Borough Council's Parking Strategy identifies four key objectives that recognise opportunities for change and the challenges there are in providing for current and future public parking needs. The aim of the Parking Strategy is to reduce congestion and make it easier for visitors to the main urban area and larger rural centres to access facilities, navigate around and find places to park. It is certainly the case that a shortage of parking spaces combined with poor and illegal parking can add to traffic congestion and the free flow of traffic, and could be a deterrent to future development. It may be the case that in certain areas (for example, the centre of Royal Tunbridge Wells) there will always be a higher demand for parking than is being provided, particularly at peak periods during certain times of the year.

4.42 Transport issues in the wider rural area are very different from those in the urban area. Public transport coverage is poorer in the rural towns and villages. With a much smaller range of services and fewer local employment opportunities, local residents must travel much further and often these journeys are undertaken by car. While it is recognised that the car will remain the dominant mode of transport, the Local Plan must encourage and promote the uptake of sustainable transport where possible.

Supporting documents

[Borough Transport Strategy 2015-2026](#), [Cycling Strategy 2016-2020](#), [Borough Parking Strategy 2016-2026](#)

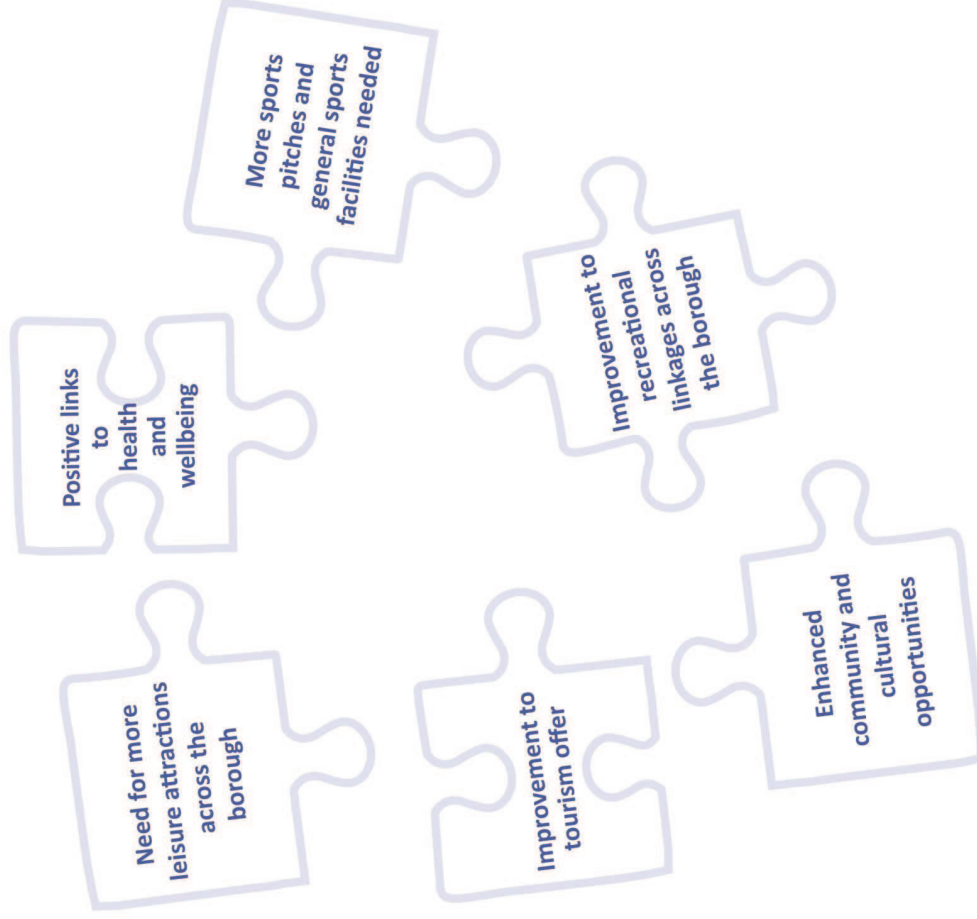
Question 6i

Have we identified the main transport and parking issues facing the borough?

Question 6j

If No, what transport and parking issues do you think are missing?

Leisure and Recreation



4.43 Leisure and recreation refers to a wide range of land uses, including social, community and cultural facilities, as well as sports and recreation provision. The provision of these facilities, which can be delivered either commercially or by a local authority, have been shown to have positive links to the public's overall health and wellbeing. The new Local Plan will need to ensure that sports and leisure facilities, including parks and green spaces, cultural and community facilities are accessible and that provision is either increased and/or existing provision is enhanced where necessary, depending on the localised requirement. It is important to ensure that playing pitches and outdoor facilities are functional all year round and therefore consideration needs to be given to the type of facility, not just the number.

4.44 Policies in the adopted Core Strategy relating to the provision of leisure and recreation were informed by the Sport, Recreation and Open Space Study 2006. It recommended that, within the borough overall, the existing provision should be retained and it highlighted a number of areas where additional playing pitches and equipped play spaces were required. In relation to natural open space, the 2006 study concluded that the borough has a wealth of such resources and that any issues of provision related primarily to access and ease of use. Access difficulties may include the physical distance to facilities combined with limited public transport or certain features of a specific site.

4.45 The Council has recently commissioned a new Open Space, Sport and Recreation Study, the findings of which will inform the approach and policies for the new Local Plan in relation to the provision of open space, sport and recreation. As part of this study, a comprehensive audit of existing spaces and facilities will be carried out. The study findings will provide an analysis of existing provision and deficiencies and will identify where additional facilities are required, making recommendations for future standards of provision. This will include any recommendations to meet Accessible Natural Greenspace Standards.

4.46 At the local community level, the provision of leisure and recreation and also cultural facilities will enhance the sustainability of communities and, at a wider borough level, will create a more vibrant economy that will

attract visitors and tourists to the area. It is important that contributions from development are secured to facilitate the delivery of new and/or improved leisure and recreation provision where these are required.

4.47 It is important to ensure that playing pitches and outdoor facilities are, wherever possible, functional all year round in order to achieve maximum availability and meet demand. Evidence available indicates that the condition and standard of a significant proportion of existing provision is such to prevent all year round use.

4.48 A Settlement Role and Function Study has recently been undertaken by the Council to identify and document key services and facilities within identified settlements in the borough. The study includes a record of recreational and leisure facilities such as recreation open space, playing fields, equipped children's play areas, sports centres and other sporting and leisure facilities present in each settlement. It is anticipated that the findings of the study, amongst other factors, will give a theoretical indication of the level of sustainability and appropriateness of these settlements to accommodate further growth and help inform decisions on the need for the enhancement of, and increases to, recreation/leisure provision.

Supporting Documents

[Retail and Leisure Study \(2017\), Settlement Role and Function Study \(2017\)](#)

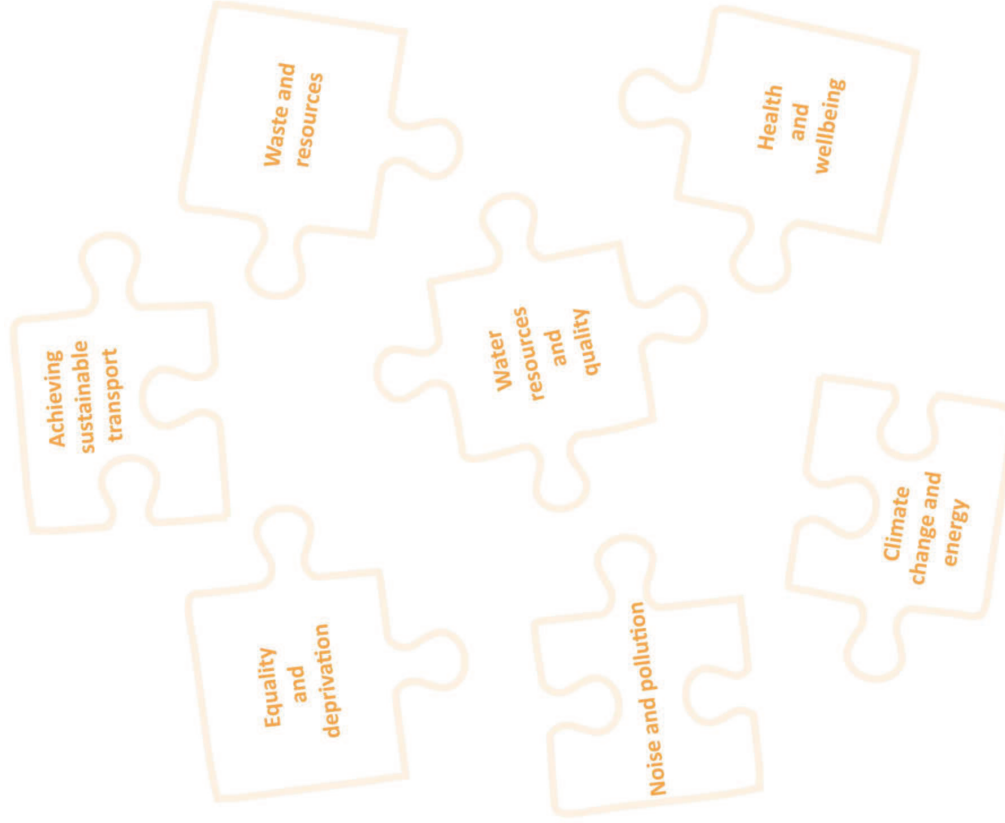
Question 6k

Have we identified the main leisure and recreation issues facing the borough?

Question 6l

If No, what leisure and recreation issues do you think are missing?

Sustainability



4.49 The delivery of sustainable development is a key theme that underpins national planning policy. This means that economic, social and environmental benefits will be sought jointly and simultaneously from all planning proposals and policies, and that a presumption in favour of sustainable development should be implemented. National planning policy also indicates that plans should take local circumstances and opportunities into account. The adopted Core Strategy contained five sustainable development objectives that were considered to be overarching objectives that development should take account of in order to achieve the aims of sustainable development.

4.50 To ensure that the national planning policy requirements are met by the new Local Plan, each stage in its preparation will be assessed by a Sustainability Appraisal (SA). This process will determine the direct and cumulative impact of individual policies on sustainable objectives. Where potential adverse impacts are identified, mitigation measures will be set out by the SA to remove or reduce the adverse effect and enhance beneficial effects.

4.51 Sustainability issues of relevance to the borough were determined during the scoping stage of the sustainability appraisal process (see the Sustainability Appraisal Scoping Report and cover a wide range of economic, social and environmental topics including, but not limited to, business growth, education, services, employment, sustainable transport, landscape and biodiversity.

4.52 Climate change is a critical issue recognised by both national planning policy and legislation. The Climate Change Act (2008) established a target for the UK to reduce its carbon emissions by at least 80% between 1990 and 2050. This target represents an appropriate UK contribution to global emission reductions consistent with limiting global temperature rise to as little as possible above 2°C and is reflected in similar regional and local targets. The new Local Plan should support carbon reduction and the transition to a low carbon future through the delivery of renewable energy generation and biomass and community heating schemes. As a result of climate change there will also be a need for the borough to adapt to hotter,

drier summers and warmer, wetter winters. This should be reflected in the design of buildings, which will also be required to meet carbon and energy reduction targets.

4.53 With regard to noise and land pollution, the new Local Plan should consider potential noise pollution from both roads and aircraft. When assessing development of previously contaminated land, all remediation requirements need to be considered.

4.54 On the topic of water resources and quality, the new Local Plan will need to recognise that the borough is within an area of serious water stress. Ways of reducing water consumption need to be implemented as well as opportunities for improving groundwater quality.

4.55 In terms of waste and resources, it will be important, wherever possible, to prevent unsustainable demolition and rebuild projects. New development should seek to achieve sustainable construction objectives. To complement this approach, the Council will aim, through the policies of the new Local Plan, to encourage an increase in the use of responsibly sourced and low environmental impact building materials and support both an increase in recycling and a reduction in household waste. These approaches would help improve the rates of waste being diverted from landfill and reduce construction waste.

4.56 Under the social dimension of sustainability, the new Local Plan should aim to meet the demand for elderly and specialist healthcare services, as well as seeking to promote and help achieve improved physical activity rates, especially for low income population groups. The Council should address pockets of deprivation, including fuel poverty and ensure that communities have access to green open space and recreation facilities.

Supporting Documents

[Sustainability Appraisal Scoping Report \(2016\)](#), [Interim Sustainability Appraisal Report](#) (this is a consultation document)

Question 6m

Having regard to the prepared [Sustainability Appraisal Scoping Report](#), have we identified the main sustainability issues facing the borough?

Question 6n

If No, what sustainability issues do you think are missing?

Section 5: Strategy Considerations

Cross-boundary Strategic Planning and Duty to Cooperate

5.1 The Council is required to ensure that it has fully considered the implications of any cross-boundary strategic planning issues, including those relating to housing, infrastructure, employment and the environment. Examples of cross boundary issues might include:

- how the growth and development needs of the wider area can be accommodated
- the impact of London migration to the borough
- the impact of the A21 improvements
- ensuring adequate mitigation for the Ashdown Forest
- transport connections with Maidstone
- routing of heavy goods vehicles

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5.2 The NPPF states that local plans should be based on a strategy that seeks to meet the identified objectively assessed development needs of an area but also, under the requirements of duty to cooperate, any unmet need from neighbouring local planning authorities where it is reasonable to do so and consistent with achieving sustainable development.

5.3 Therefore, if a local planning authority preparing a local plan provides robust evidence of an unmet requirement, such as unmet housing need, other local planning authorities in the housing market area will be required to consider the implications, including the need to review their own housing policies.

5.4 The studies carried out as part of the evidence base to support the preparation of a new Local Plan for Tunbridge Wells borough, along with the issues identified in this document, suggest that the Council may face significant challenges in seeking to provide for the borough's relevant level of development need in the light of very significant landscape, environmental and infrastructure constraints.

5.5 Accordingly, notwithstanding the different stages of plan preparation and differing housing market and functional economic areas, the Council will continue to communicate and engage with neighbouring local authorities, both in Kent and East Sussex, as part of the duty to cooperate. Such engagement will include discussion as necessary of the ability of other neighbouring authorities to accept any unmet need from Tunbridge Wells borough, recognising that the duty to cooperate is not a duty to agree.

Question 7

Cross-boundary Strategic Planning

Are there any specific cross-boundary planning issues that you think the Council should consider in preparing a new Local Plan?

Question 7a

If Yes, what are the specific cross-boundary planning issues that you think the Council should consider in preparing a new Local Plan?

Settlements in Tunbridge Wells Borough

5.6 The borough is made up of settlements of different sizes, ranging from the principal town of Royal Tunbridge Wells (as well as Southborough) to the smallest villages and hamlets. Rather than simply categorise the settlements in order of size, the settlements can be identified by grouping them in terms of their characteristics, focusing on the range of services and facilities available. This gives a theoretical indication of the level of sustainability and appropriateness of these settlements to accommodate further growth.

5.7 Given the challenge to deliver significantly more new homes than planned for in previous Local Plans, the Council will need to decide whether the villages could make a greater contribution to housing delivery. It may

be necessary to review the settlement groupings again in order to establish a new hierarchy for the location of future growth and potentially make adjustments to settlement boundaries.

5.8 Development in rural areas is important in supporting the broader sustainability of villages and in retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. National Planning Practice Guidance (NPPG) advises that *"all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence."*

5.9 A Settlement Role and Function Study⁽¹³⁾ has been carried out by the Borough Council to assess the current level of services and facilities in each of the identified settlements within the borough. It is not an objective of the Settlement Role and Function Study to assign levels of development growth appropriate to each grouping of the settlements, particularly in advance of the determination of the overall housing requirement for the borough. Further detailed work is still required to confirm the groupings or 'hierarchy' of settlements and this will be undertaken as the new Local Plan is progressed.

5.10 The results of the Settlement Role and Function Study are only one of a number of factors in the selection of appropriate locations for new development. Traditionally it has been the case that the scale and distribution of housing sites directly follows from the settlement hierarchy. As commented in the study, however, there are many other factors to be taken into account when allocating land in the rural areas and settlements of the borough, such as transport, environmental considerations, landscape and flooding issues.

5.11 At this initial stage, based on the evidence collected, we have identified possible groupings of settlements in terms of the existing services and facilities that they currently provide.

5.12 For the purposes of this work, Royal Tunbridge Wells and Southborough are classified as the Main Urban Area, following the approach taken in previous Local Plans. Table 1 below sets out a suggested grouping of settlements. The listings of settlements within a group is not on the basis of any hierarchy

Table 1 Suggested Settlement Groupings

Grouping	Settlement
Main Urban Area	Royal Tunbridge Wells and Southborough
Group A	Cranbrook, Paddock Wood, Hawkhurst (Highgate and The Moor), Rusthall, Pembury
Group B	Goudhurst, Brenchley, Lamberhurst, Five Oak Green
Group C	Speldhurst, Sandhurst, Benenden, Langton Green, Horsmonden, Sissinghurst
Group D	Frittenden, Bidborough, Matfield
Group E	Iden Green, Kildown

Question 8

Settlement Groupings

Do you agree with the suggested groupings of settlements?

13 http://www.tunbridgewells.gov.uk/Settlement-Role-and-Function-Study_Feb-2017

Question 8a

If No, what changes do you suggest to the groupings of settlements and why?

Question 9a

Should the defined Limits to Built Development as currently drawn be retained in their current form in order to maintain settlement patterns, or be removed to enable the delivery of suitable sites?

Development Boundaries

5.13 The Tunbridge Wells Borough (Western) Local Plan 1990 is the origin of the definition of a boundary, known as the Limits to Built Development (LBD), applied to a number of settlements and shown on the proposals map. These define the areas where specific planning policies apply that are included in the remaining saved Local Plan 2006 policies, the adopted Core Strategy 2010 and the Site Allocations Local Plan (2016). In very simple terms, the LBD marks the line between where development has previously been supported and development resisted.

5.14 The current LBDs were defined some time ago, but must now be reviewed to see if they remain appropriate to deliver the level of development need identified in a sustainable way and consistent with new national policy.

5.15 At present, in those villages with a defined LBD in the 2006 Local Plan, some development within the LBD, including housing, is supported subject to certain criteria being met. Outside the LBD, or in villages that do not have a defined LBD, new development is subject to the general policies of constraint and is normally only allowed in exceptional circumstances.

Question 9**Development Boundaries**

Should the policy approach of defining settlement 'Limits to Built Development' continue in principle?

Question 9b

If the currently defined limits are to be reviewed/redrawn, what criteria do you think should be applied in redrawing the boundaries?

Strategic Options

5.16 The new Local Plan will set out a long term vision for the borough, a set of objectives and a strategy, all to provide a framework for delivering development in the borough up to 2033. A key element of any final strategy will be how new development, particularly housing and economic development, will be provided for and distributed throughout the borough.

5.17 Having regard to the issues set out above and taking account of the evidence base to date, the Council has considered possible different ways that future development could be delivered. In accordance with the NPPF, the starting point is to meet the identified level of development needs in full, unless there are good planning reasons why this is not sustainable; for example, because of development constraints.

5.18 Through the existing adopted Core Strategy and Site Allocations Local Plan, an existing supply of allocated sites has been confirmed, which can make a contribution to accommodating the level of growth identified. Recognising the increased level of growth, however, the new Local Plan will need to set out a revised development strategy for the borough and identify sufficient additional land to seek to accommodate the new growth.

5.19 In addition to seeking to accommodate development to meet the overall levels of identified housing and economic need, the Council is required to maintain a five-year supply of deliverable housing sites. It is important therefore to ensure that a sufficiently robust number and range of sites can be allocated in order that a five-year housing supply can be achieved and maintained throughout the new Local Plan period.

5.20 The Council will continue to examine thoroughly whether it is able to meet the full level of identified development needs taking account of a range of factors, such as infrastructure availability and capacity and the potential impact on the environment and heritage assets.

5.21 At this early stage, however, five possible scenarios have been identified, including highly concentrated development in and around Royal Tunbridge Wells and dispersed development across the borough. Each has implications in terms of sustainability and best fit with the national planning policy context. A sustainability appraisal has been carried out for each Option and is presented in an Interim Sustainability Appraisal report⁽¹⁴⁾, which has been published for consultation at the same time as this Issues and Options document.

5.22 The land and sites that would be considered and possibly allocated within the new Local Plan under each of the possible strategic options, have not been decided upon at this stage of the Plan preparation. Detailed assessments of all sites drawn to the attention of the Council will take place and will be published in due course as part of the Strategic Housing and Economic Land Availability Assessment.

5.23 Alongside this Issues and Options consultation, the Council is carrying out a second 'Call for Sites' as set out in paragraph 1.39.

Although five possible options are presented within this consultation document, it could be that a combination of two or more of the options presented will form the final preferred strategy to meet the identified growth within the new Local Plan.

Please note that the following Options 1-5 are presented in no particular order. Colours and shape sizes used are for formatting purposes only and have no weighting significance.

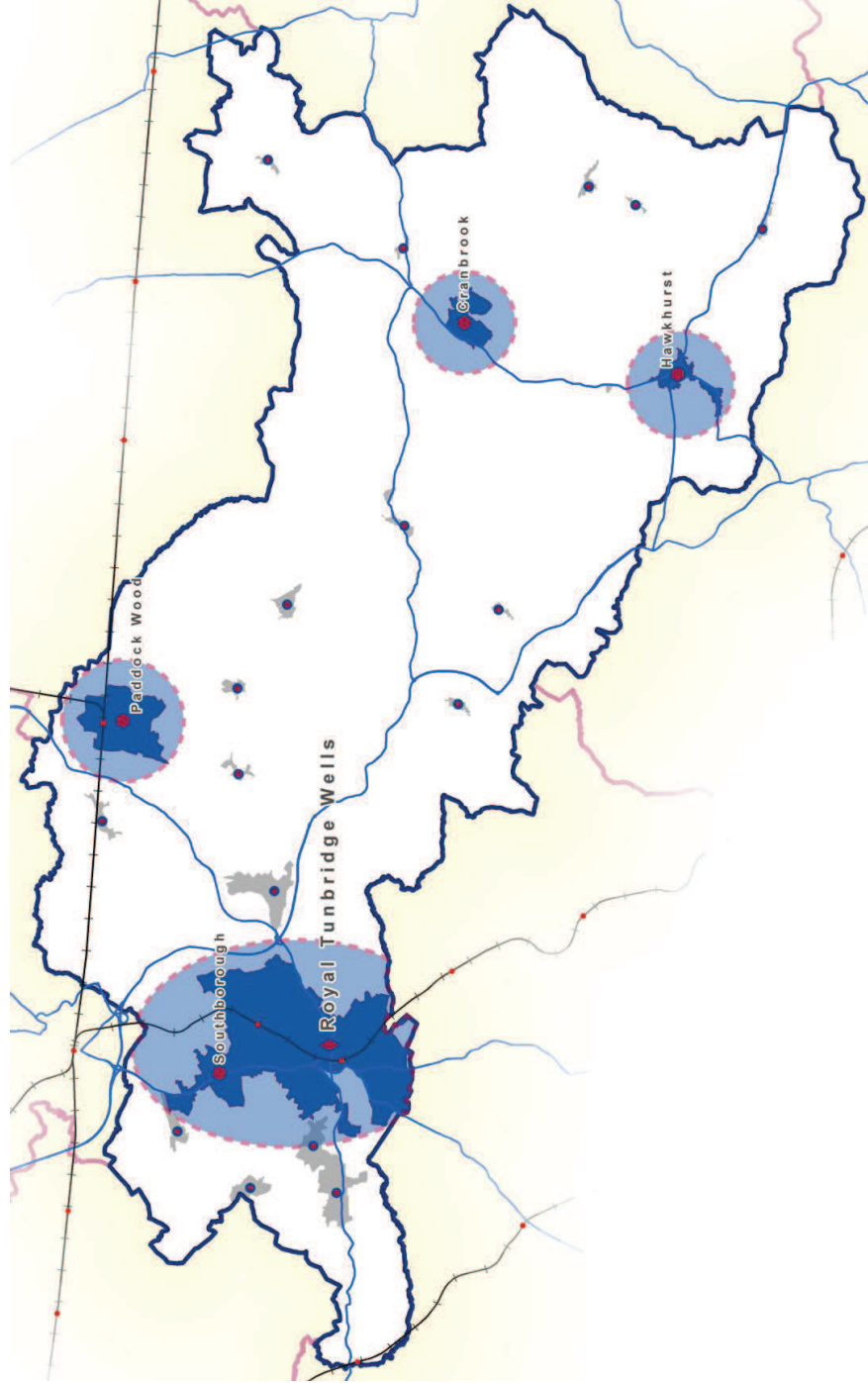
¹⁴ The Interim Sustainability Appraisal consultation document can be found on the Local Plan web page at www.tunbridgewells.gov.uk/localplan

Option 1

Focused Growth

Development distribution focused as per existing Core Strategy, i.e. majority of new development directed to Royal Tunbridge Wells/Southborough, a smaller proportion to the other three main settlements of Paddock Wood, Cranbrook and Hawkhurst and limited development within the villages and rural areas.

Option 1



Option 1 Commentary

Option 1 is based on the development strategy and settlement hierarchy set out in the adopted Core Strategy (2010).

Some implications of continuing to follow this approach include:

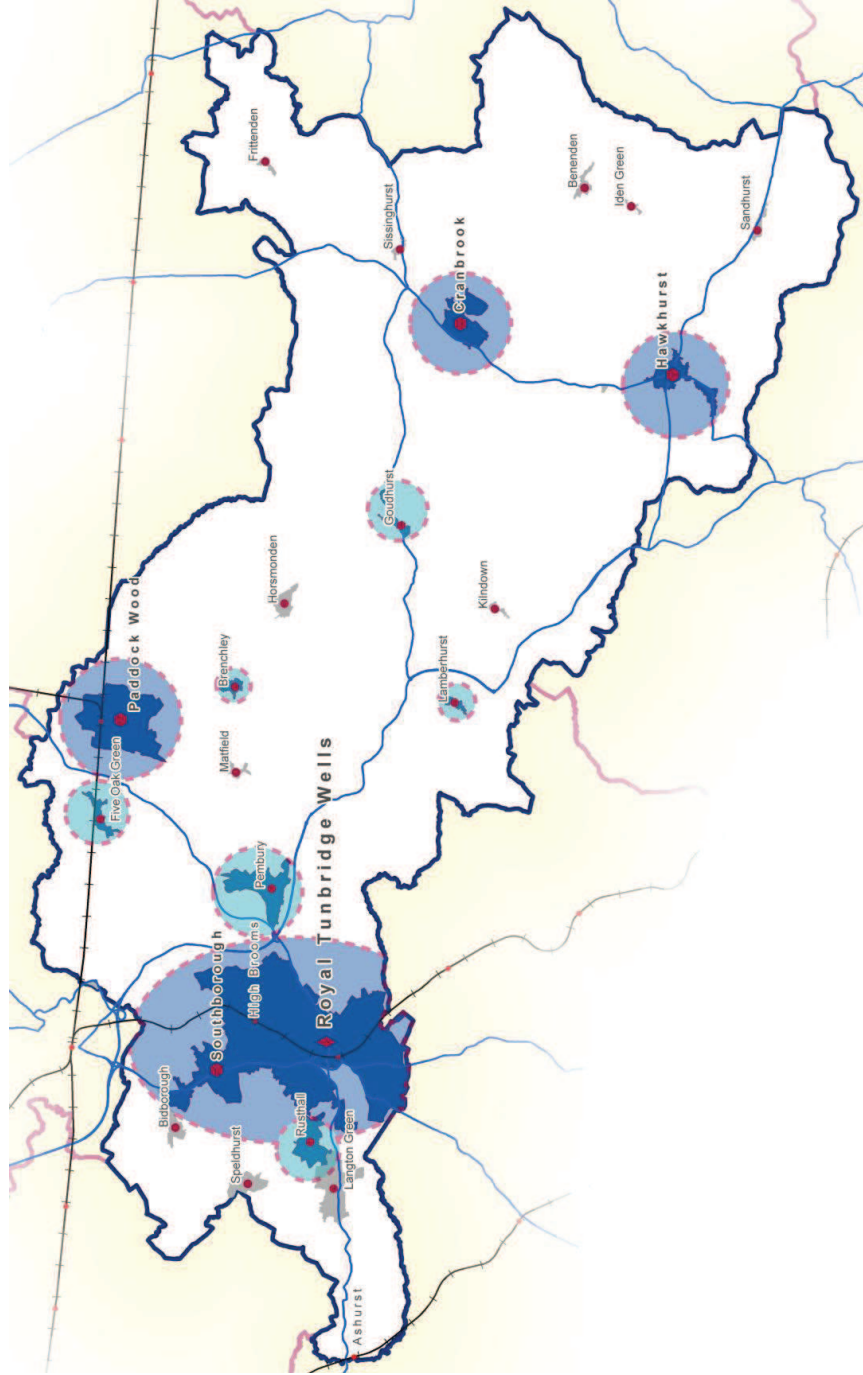
- accepting further significant development at and around Royal Tunbridge Wells and Southborough could, subject to the outcomes of the Green Belt review, involve development of Green Belt sites and/or development in the AONB surrounding the urban area
- further growth at Paddock Wood, Cranbrook and Hawkhurst would necessitate some development within areas designated as AONB, Green Belt and/or areas prone to flood risk
- consideration needs to be given to avoid settlement coalescence
- limited development at the villages and rural areas may involve a missed opportunity to make best use of development potential in these locations, allowing villages to grow in a sustainable way and supporting local services
- focuses development on current most sustainable locations with access to services
- many brownfield land sites have already been built on, have planning permission for development or have been allocated for development. There is therefore a more limited supply of additional brownfield sites
- access to public transport facilities and opportunity to enhance provision
- possible opportunities for higher densities in urban area and larger town/village centre locations, especially where there is good access to public transport, services and jobs
- possible pressure on the historic environment and character of Royal Tunbridge Wells
- provides for limited rural housing development
- reduces the potential impact of development pressure over larger part of borough
- need to tackle existing congestion issues impacting on highway network

Option 2

Semi-dispersed Growth

Development distribution semi-dispersed, with the majority of new development directed to Royal Tunbridge Wells/Southborough and a proportion distributed to the other three main settlements of Paddock Wood, Cranbrook and Hawkhurst (as per Option 1), but additionally a percentage of development directed to some of the larger villages (taking account of the updated settlement hierarchy work). Limited development within the remaining villages and rural areas.

Option 2



Option 2 Commentary

Option 2 is partly based on the development strategy and settlement hierarchy set out in the adopted Core Strategy (2010) with the approach amended to reflect updated work on the borough's settlement hierarchy.

Some implications of following this approach include:

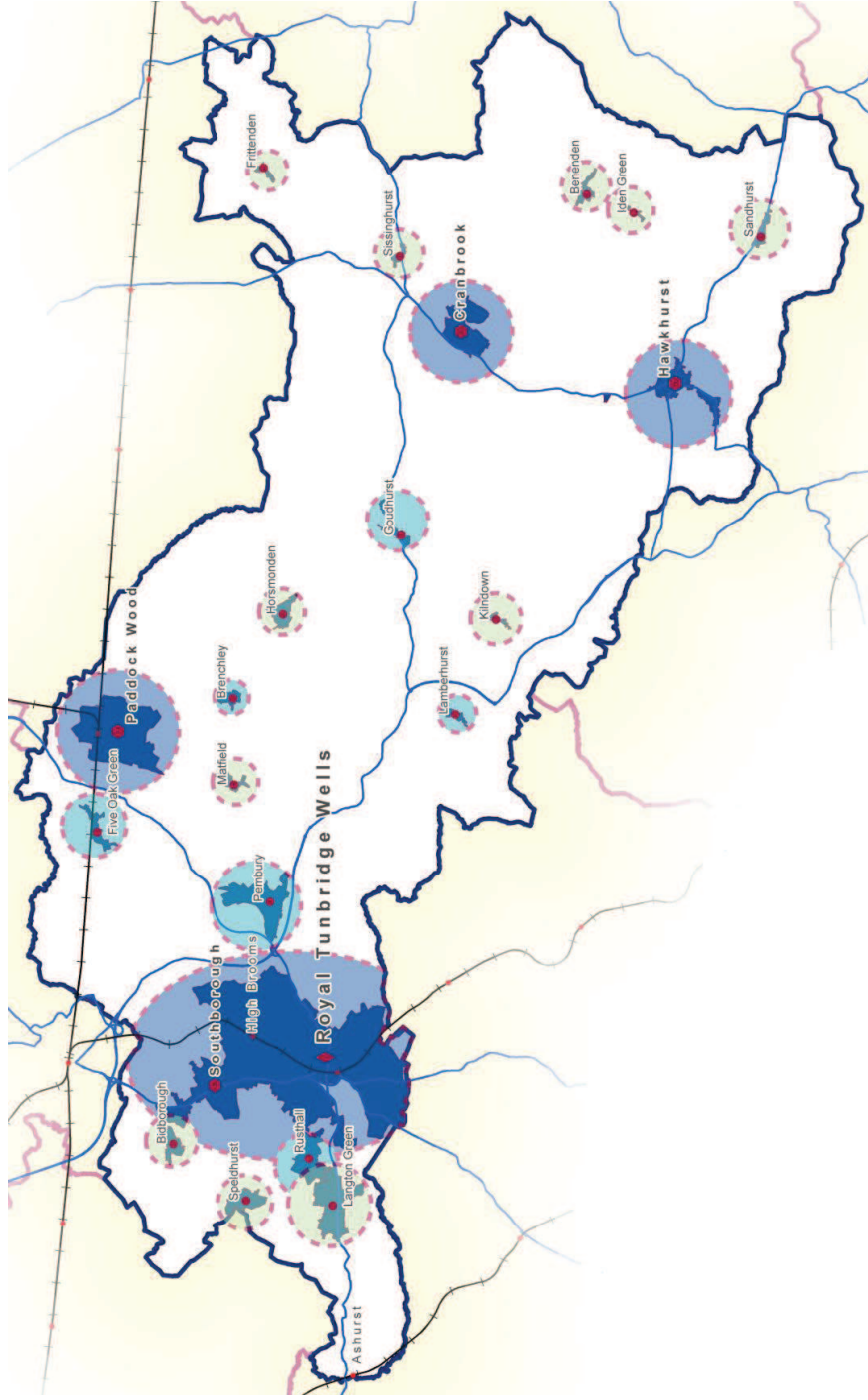
- accepting further significant development at and around Royal Tunbridge Wells and Southborough could, subject to the outcomes of the Green Belt review, involve development of Green Belt sites and/or development in the AONB surrounding the urban area
- further growth at Paddock Wood, Cranbrook and Hawkhurst would necessitate some development within areas designated as AONB, Green Belt and/or areas prone to flood risk
- limited development at the smaller villages and rural areas
- this approach supports the established settlement hierarchy in the adopted Core Strategy while reflecting the role of some of the larger villages across the borough acting as rural service centres
- focuses majority of new development on current most sustainable locations
- many brownfield land sites have already been built on, have planning permission for development or have been allocated for development. There is therefore a more limited supply of additional brownfield sites
- possible opportunities for higher densities in urban area and larger town/village centre locations especially where there is good access to public transport, services and jobs
- opportunity to contribute to the viability of the rural economy
- potential to increase provision of affordable housing in rural areas
- need to tackle existing congestion issues impacting on highway network
- possible pressure on the historic environment and character of Royal Tunbridge Wells
- some villages are not well served by public transport with resulting increased reliance on car use
- need to prevent the possible coalescence of settlements
- does not provide for the full potential of rural housing development
- potential to enhance the sustainability of rural settlements by housing development supporting local services/facilities and enhanced public transport

Option 3

Dispersed Growth

Development distribution proportional across all of the borough's settlements.

Option 3



Option 3 Commentary

Option 3 supports the established higher settlement hierarchy in the adopted Core Strategy, but makes changes to provide for development at all settlements across the borough. The amount of new development will be proportional to reflect the size of each settlement and existing facilities/services, as well as the potential to support enhanced facilities.

Some implications of following this approach include:

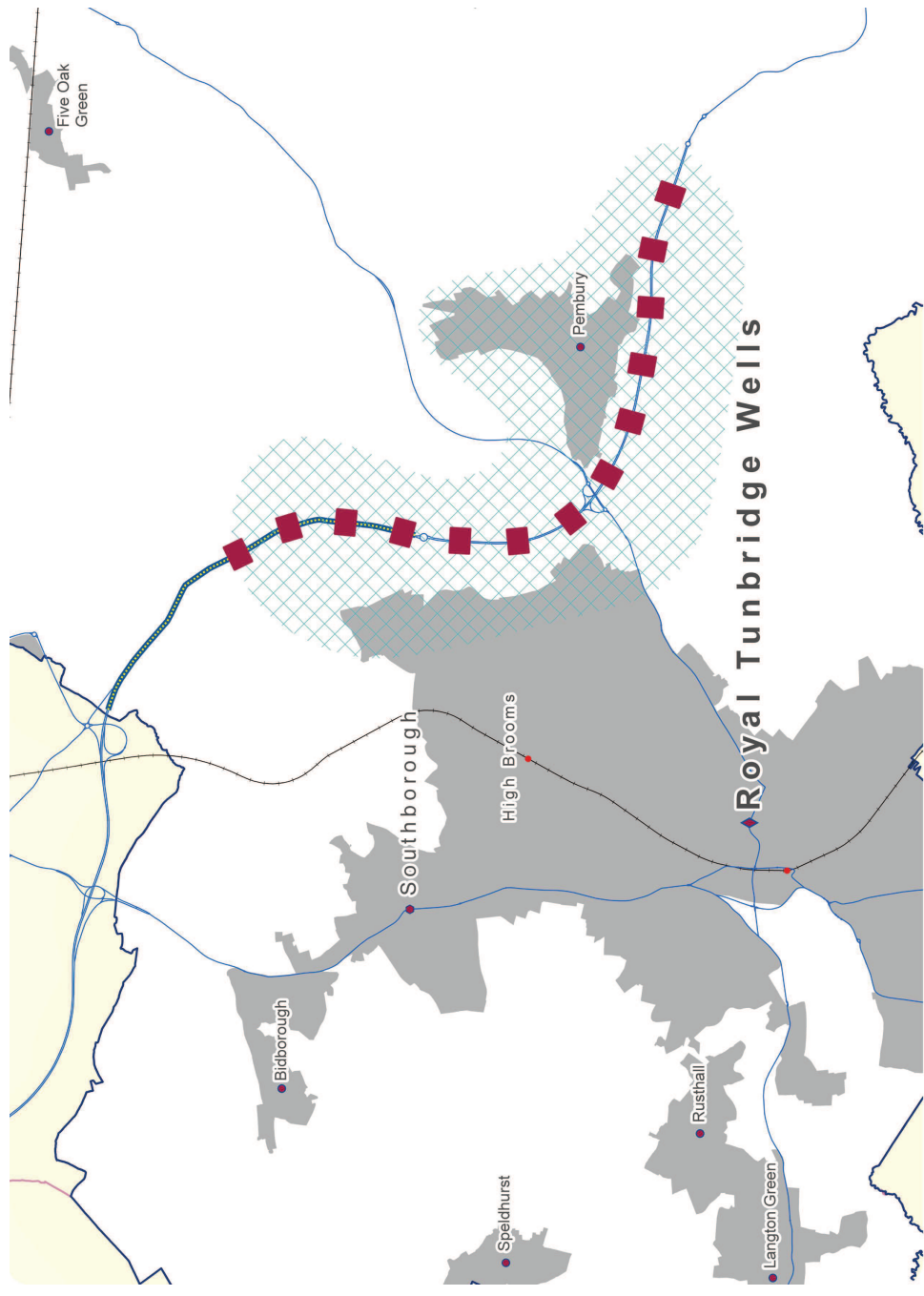
- accepting further significant development at and around Royal Tunbridge Wells and Southborough could, subject to the outcomes of the Green Belt review, involve development of Green Belt sites and/or development in the AONB
- further growth at Paddock Wood, Cranbrook and Hawkhurst and all of the villages would necessitate some development within areas designated as AONB, Green Belt and/or areas prone to flood risk
- some villages are relatively remote from a comprehensive range of facilities and services
- many brownfield land sites have already been built on, have planning permission for development or have been allocated for development. There is therefore a more limited supply of additional brownfield sites
- possible opportunities for higher densities in larger town/village centre locations, especially where there is good access to public transport, services and jobs
- need to tackle existing congestion issues impacting on highway network
- opportunity to contribute to the viability of the rural economy
- potential to enhance the sustainability of rural settlements by housing development supporting local services/facilities and enhanced public transport
- potential to increase provision of affordable housing in rural areas
- some villages are not well served by public transport with resulting increased reliance on car use
- need to prevent the possible coalescence of settlements
- seeks to provide for the full potential of rural housing development
- the scale of development in some villages may not be sufficient to ensure services are viable

Option 4

Growth Corridor-led Approach

Development distribution focused around the A21, close to Royal Tunbridge Wells and Pembury, as a new 'growth corridor'.

Option 4



Option 4 Commentary

Option 4 takes account of the A21 as a key route between London and Hastings, acting as a valuable access route to Royal Tunbridge Wells. The improved local infrastructure created by recent dualling of the A21 may provide the opportunity to stimulate a 'growth corridor' within this area. Such a growth corridor could facilitate both economic and housing growth and may help the borough to meet its wider development needs.

Some implications of following this approach include:

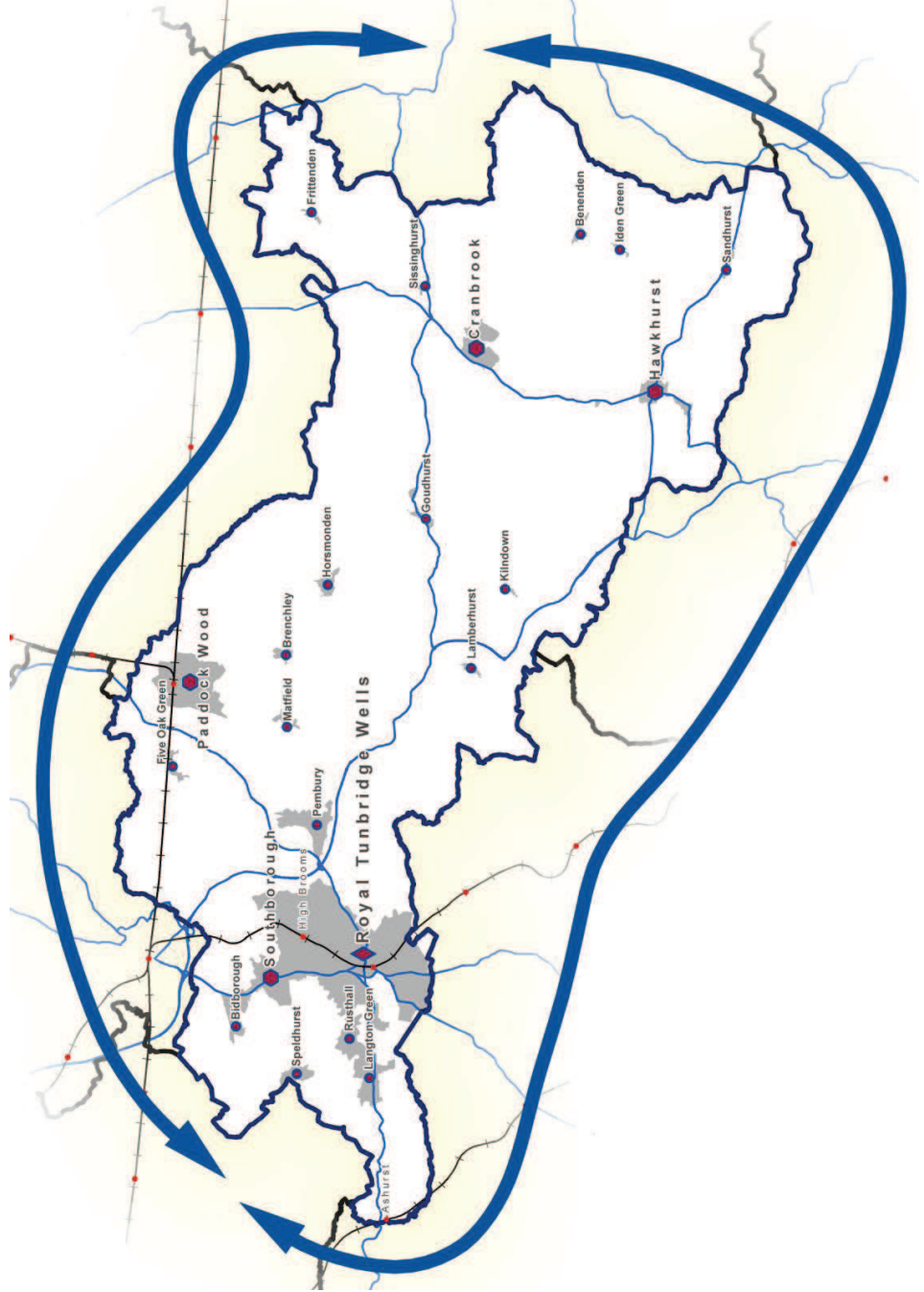
- accepting further significant development at and around Royal Tunbridge Wells and Pembury could, subject to the outcomes of the Green Belt review, involve development of Green Belt sites and/or development in the AONB
- limited allocated development at other parts of Royal Tunbridge Wells/Southborough, Paddock Wood, Cranbrook, Hawkhurst and any of the villages and rural areas apart from possible limited infill
- this approach directs significant development to the northern part of the borough around Royal Tunbridge Wells and Pembury
- many brownfield land sites have already been built on, have planning permission for development or have been allocated for development. There is therefore a more limited supply of additional brownfield sites
- reduces possible pressure on the historic environment and character of Royal Tunbridge Wells
- focuses on opportunities to reinforce economic base of the borough
- provides for limited rural housing development
- reduces the potential impact of development pressure over larger part of borough
- does not provide for the full potential of rural housing development
- supports existing upgrades to infrastructure with potential to secure additional infrastructure improvements
- locates growth close to established employment locations and services, helping to minimise need to travel

Option 5

New Settlement Growth

New freestanding 'Garden Village' settlement. There is no location identified with this option. A new settlement could be located anywhere within the borough (we are inviting views on the principle of a new settlement in providing for the future development needs of the borough).

Option 5



Option 5 Commentary

Option 5 provides for the development of a new settlement as a 'Garden Village' in line with guidance promoted within the NPPF, allowing for this approach to meet larger scale housing and other growth.

This option is based on a potential settlement of between 5,000 and 7,000 homes plus other business, community and leisure uses.

The Council would expect any development of a new settlement to be planned and delivered on the basis of established and accepted 'Garden City' principles⁽¹⁵⁾

Some implications of following this approach include:

- reliant on identifying a satisfactory sustainable location for new settlement
- the potential to plan holistically and enable comprehensive masterplanning, including provision of transport infrastructure, community facilities and green infrastructure
- the objective would be to achieve a well-designed separate settlement that respects the local landscape and provides a high quality place
- this approach will consider the whole of the borough and the intention would be that subsequent work would consider the availability of brownfield land and public sector land as part of any emerging options, including potential locations
- the infrastructure requirements will be considerable and may have implications for timely delivery, requiring other developments at other locations in the borough to meet ongoing development needs in the short term
- potential impacts on environmental constraints and Green Belt depending on any specific location pursued through this option
- consideration of development in other parts of the borough is likely still to be necessary to meet identified development needs in the short/medium term
- delivery timescales mean that contribution would be likely to be achieved in second half of Plan period
- the importance of capturing land values through the provision of community facilities and infrastructure in order to benefit the community may allow for greater delivery of affordable housing
- greater scope for opportunities for mixed use development and range of employments
- opportunity for strong vision, leadership and community engagement
- large greenfield land take likely to be required
- transport infrastructure in some areas may not be adequate or deliverable to support this scale of development

15 <https://www.tcpa.org.uk/garden-city-principles>

Question 10

Please let us know your preferred option or combination of options in order of preference.

Question 12

Do you think we have considered and identified all reasonable options for accommodating future development growth within the borough?

Question 10a

If you prefer a combination of options, please state which ones.

Question 12a

If No please set out what other options for accommodating future development growth within the borough you think should be considered.

Question 11

What views do you have about the possibility of a new settlement somewhere in the borough providing for future development needs?

Question 11a

Where do you think a possible new settlement could be located?

Section 6: Development Management Policies

6.1 The development management policies currently used by Tunbridge Wells Borough Council to assess planning applications and consider enforcement action came into effect with the adoption of the 2006 Local Plan.

6.2 A key issue to consider in preparing a new Local Plan is whether the existing 2006 Local Plan policies (known as 'saved policies') remain relevant in light of the introduction of the NPPF in 2012 and other central government guidance, as well as any updated local evidence.

6.3 This section considers the policies that are currently in place and identifies the key topics that might merit and necessitate new development management policies.

Existing policies

6.4 Appendix 2 sets out the saved development management policies that are still in use following the adoption of both the Core Strategy in 2010 and Site Allocations Local Plan in 2016. These will all be replaced upon adoption of the new Local Plan; however, policies that are still used, relevant and comply with national policy (NPPF) can be carried forward into the new Local Plan.

6.5 For the following three questions, consider the 'saved policies' of the Local Plan 2006 in Appendix 2.

Question 13

Which policies do you consider are suitable for continued use?

Question 14

Which policies do you think may be out of date or no longer necessary?

Question 15

Which policies do you think could be updated or amended, and how?

New topic areas and policies

6.6 The new Local Plan will contain detailed development management policies that fall within broad topic areas, as set out below. These broad headings reflect the chapters within the NPPF, followed by examples of policies that the headings could encompass.

Topic areas to consider for Development Management policies

- **Development Principles:** Sustainable Development, Parking, Resource Management, Design
- **Economy and Centres:** Town Centres, Retail and Leisure, Rural Economy, Key Employment Areas, Tourism
- **Housing and Healthy Communities:** Housing (including affordable and specialist housing, e.g. elderly, self build, starter homes), Community Facilities, Recreation, Leisure, Open Space, Health and Wellbeing
- **Natural, Built and Historic Environment:** Listed Buildings, Conservation Areas, Shop Fronts, Landscape, Treescape (or tree cover), Tree Preservation Orders, Climate Change, Flooding, Countryside Protection
- **Infrastructure:** Sustainable Transport, Telecommunications, Utilities, Health, Education, Green Infrastructure

Question 16

Considering the topic areas above, are there any other topics that you think the new Tunbridge Wells Borough Local Plan should include?

Question 17

Are there any topics that you consider do not require any further detailed development management policies because there is sufficient coverage already in place, i.e. in national guidance (the NPPF)?

Detailed policies**Question 18**

Are there any specific planning issues affecting the borough of Tunbridge Wells that you consider are not adequately covered by the NPPF or already referenced in this chapter and which you would like to see addressed in a policy?

Conclusion

This is the first stage in developing a new Local Plan for Tunbridge Wells borough and your opportunity to take an active part in shaping the future development of the borough. After the Issues and Options consultation we will analyse all the responses to the document and produce a consultation summary.

From the responses, and using our evidence, we will finalise the list of issues that the new Local Plan will cover and review the potential strategy options for dealing with these. From this work we will produce a new draft Local Plan setting out a development strategy for the borough, site allocations and policies against which planning applications will be considered.

The new draft Plan will be published for further consultation in 2018 before it is subsequently formally submitted to the Secretary of State.

Thank you for taking the time to participate in the production of the new Tunbridge Wells Borough Local Plan. If you have any queries about this consultation, require any additional information or assistance regarding the new Local Plan, or require copies in alternative format and/or language, please contact the Planning Policy Team.

Planning Policy email: planning.policy@tunbridgewells.gov.uk
 Telephone: 01892 554056

Question 19

General Comments

Are there any other planning and development matters that you think the new Local Plan should consider or cover that have not been mentioned in this Issues and Options document? You can also make any general comments here.

Appendix 1: Evidence Studies and Documents List

Document Title	Publication Date	Author/Publisher
Transport Strategy 2015-2026	July 2015	TWBC/KCC
Strategic Housing Market Assessment	September 2015	G L Hearn
Cycling Strategy 2016-2020	January 2016	TWBC/KCC
Parking Strategy 2016-2026	2016	TWBC
Development Constraints Study	October 2016	TWBC
Economic Needs Study	November 2016	Turley Associates
Retail and Leisure Study	April 2017	Nexus
Settlement Role and Function Study	April 2017	TWBC
Interim Strategic Housing and Economic Land Availability Assessment	April 2017	TWBC
Landscape Character Assessment	May 2017	Land Use Consultants
Historic Landscape Characterisation	May 2017	Land Use Consultants
Interim Sustainability Appraisal Report	May 2017	TWBC
Interim Habitat Regulations Assessment	May 2017	TWBC
Landscape Sensitivity Study for Royal Tunbridge Wells and Adjoining Settlements	June 2017	Land Use Consultants

Document Title	Publication Date	Author/Publisher
Playing Pitch Assessment Study	June 2017	Strategic Leisure Ltd
Green Belt Study	tbc	Land Use Consultants
Historic Environment Study	tbc	tbc
Open Space, Sport and Recreation Study	tbc	tbc
Strategic Flood Risk Assessment (Stage 1)	tbc	JBA Consulting

All of the completed supporting studies can be found on the New Local Plan web page at www.tunbridgewells.gov.uk/localplan. The remaining supporting studies will be published as they are completed.

Appendix 2: 2006 Local Plan Saved Development Management Policies

Policy Number	Policy Title
Chapter 3: Rural Fringe, Green Belt and Limits to Built Development	
MGB1	Metropolitan Green Belt
LBD1	Development outside the Limits to Built Development
Chapter 4: Environment	
EN1	Development Control Criteria
EN4	Demolition in Conservation Areas
EN5	Development within, or affecting the character of, a Conservation Area
EN6	Shop Fronts
EN8	Outdoor Lighting
EN10	Archaeological Sites
EN11	Historic Parks and Gardens
EN13	Tree and Woodland Protection
EN15	Statutory Local Nature Reserves and other non-statutory Nature Conservation Sites
EN16	Protection of groundwater and other watercourses
EN18	Flood Risk
EN20	Telecommunications
EN21	Areas of Important Open Space
EN22	Areas of Landscape Importance
EN23	Important Landscape Approaches
EN24	Arcadian Areas
EN25	Development control criteria for all development proposals affecting the rural landscape
Chapter 5: Town, Neighbourhood and Village Centres (incorporating Retail Development)	
CR1	Location of large-scale (500 sq metres or greater gross floorspace) A1, A2, A3, A4, A5, B1, C1, D1 and D2 Uses within defined Primary Shopping Areas

Policy Number	Policy Title
CR2	Location of large-scale (500 sq metres or greater gross floorspace) A1, A2, A3, A4, A5, B1, C1, D1 and D2 Uses outside defined Primary Shopping Areas
CR3	Location of proposals for small-scale (less than 500 sq metres gross floorspace) A1, A2, A3, A4, A5, B1, C1, D1 and D2 Uses within defined Primary Shopping Areas, Neighbourhood Centres and Village Centres
CR5	Royal Tunbridge Wells Primary Shopping Area
CR7	Southborough Primary Shopping Area
CR9	Paddock Wood Primary Shopping Area
CR11	Cranbrook Primary Shopping Area
CR12	Hawkhurst Primary Shopping Area
CR13	Retention of community facilities in neighbourhood centres or villages
Chapter 6: Housing	
H1	Retention of the existing housing stock
H2	Small and intermediate sized dwellings
H4	Gypsy Sites
H5	Residential development within the Limits to Built Development
H8	Affordable housing outside the Limits to Built Development
H9	Key workers' dwellings in association with Rural Employment
H10	Replacement dwellings outside the Limits to Built Development
H11	Extensions to dwellings outside the Limits to Built Development
H13	Conversion of rural buildings to residential use outside the Limits to Built Development
Chapter 7: Economic Development	
ED1	Location of large-scale (500 sq metres or greater gross floorspace) or greater proposals for B1 light industrial development within Economic Development Areas
ED2	Location of small-scale (less than 500 sq metres gross floorspace) B1 development
ED3	Location of B2 and B8 Uses within Economic Development Areas
ED5	Conversion of rural buildings to Economic Development Use outside Limits to Built Development

Policy Number	Policy Title
Chapter 8: Tourism	
T1	Location for small-scale new or extended tourism accommodation
T2	Retention of tourist accommodation
T3	Tourism accommodation outside the Limits to Built Development
Chapter 9: Recreation	
R1	Retention of existing recreation open space
R2	Recreation open space in development of more than 15 bedspaces
R6	Retention of allotments
Chapter 10: Community Services	
CS4	Development contributions to school provision for developments over 15 bedspaces
CS6	Retention of community buildings
Chapter 11: Transport and Parking	
TP1	Major development requiring Transport Assessments and a Travel Plan
TP2	Multi-modal access for smaller-scale non-residential development
TP3	Multi-modal access for large-scale residential developments
TP4	Access to the road network
TP5	Vehicle Parking Standards
TP6	Tunbridge Wells Central Access Zone (residential) Vehicle Parking Standards
TP7	Tunbridge Wells Central Parking Zone (commercial)
TP8	Vehicle parking for small-scale changes of use to non-residential and development affecting Listed Buildings and Conservation Areas
TP9	Cycle Parking
TP10	A21: Tonbridge to Pembury Bypass
TP11	A21: Other Improvements
TP12	A228: Colts Hill Bypass
TP18	Cycle route network in Royal Tunbridge Wells
TP19	Highway improvements, Main Transport Routes, Royal Tunbridge Wells
TP20	Retention of public car parks in Royal Tunbridge Wells

Policy Number	Policy Title
TP22	Retention of Yew Tree Road public car park, Southborough
TP23	Retention of the Pennington Road car park, Southborough
TP24	Retention of Commercial Road public car parks, Paddock Wood
TP25	Retention of public car parks in Cranbrook
TP26	Retention of public car parks in Hawkhurst
TP27	Retention of public car parks in villages

Appendix 3: Glossary

For the purpose of this document, the following terms and definitions apply.

Glossary and Abbreviations	
Adopted	There are a number of stages in the preparation of planning policy documents. 'Adoption' represents the final confirmation of a document's status by the local planning authority.
Affordable housing	Affordable housing includes social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
Area of Outstanding Natural Beauty (AONB)	Areas of Outstanding Natural Beauty are designated under the National Parks and Access to the Countryside Act (1947) and, along with National Parks, represent the finest examples of countryside in England and Wales. Their primary purpose is to ensure the conservation and enhancement of the natural landscape beauty, including the protection of flora, fauna and geological interests. Development affecting such areas is restricted under the National Planning Policy Framework.
Biodiversity	The whole variety of life encompassing all genetics, species and ecosystem variations, including plants and animals.
Brownfield land	See 'Previously Developed Land'
Call for sites	A general request by the local planning authority to developers, landowners and the public to submit sites to be considered for development. These are then assessed by the local planning authority to see whether they should be included as allocations in a Local Plan.
Comparison retail	Retail items not bought on a frequent basis, for example electrical goods and clothing (i.e. not food).
Conservation Area	An area designated by the local planning authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 as being of special architectural or historic interest, the character and interest of which it is desirable to preserve and enhance. Conservation areas are a type of heritage asset.
Convenience retail	Everyday essential shopping items, such as food.
Core Strategy	The Core Strategy is a long-term strategy document, which sets the overarching agenda for future planning and decision making in the borough by defining how much development of each main type will take place and broadly where it will go. The Borough Council's Core Strategy was adopted in 2010, setting growth between 2006 and 2026.

Glossary and Abbreviations	
Department for Communities and Local Government (DCLG)	National Government department responsible for planning and local government, sometimes also referred to as CLG.
Development Plan Document (DPD)	A policy-setting document that forms part of the statutory development plan, including the Core Strategy.
Functional floodplain	Land where water has to flow or be stored in times of flood. Also known as Flood Zone 3b. Zones 1, 2 and 3a are assessed as having low, medium and high probability of flooding respectively. Guidance on development appropriate in each Zone is given in Technical Guidance to the National Planning Policy Framework.
Green Belt	Green Belt is open, largely undeveloped land that has been specifically designated for long-term protection. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. It is not a designation influenced by landscape quality. Development on Green Belt land is restricted under the National Planning Policy Framework.
Green infrastructure	A network of multi-functional green spaces, in urban and rural areas, which is capable of delivering a wide range of benefits for the environment and quality of life for local communities.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Includes nationally designated assets, as well as local assets identified by the local community and confirmed by the local planning authority. See also 'Conservation Area', 'Historic Park and Garden', and 'Listed Building'.
Historic Park and Garden	Designated by Historic England, Historic Parks and Gardens reflect the landscaping fashions of their time and are a type of heritage asset.
Infrastructure Delivery Plan (IDP)	Outlines the need for, delivery and implementation of, infrastructure necessary to support the growth strategy in the Local Plan and of specific locations within the plan period. This document is constantly reviewed as needs over time will change.
Limits to Built Development (LBD)	A line around settlements defining the area which is considered to be within the limits of the built area and that which is outside in order to restrict the encroachment of built form into the surrounding countryside.
Listed Building	A building included on a list of buildings of architectural or historic interest, compiled by the Secretary of State, under the Planning (Listed Buildings and Conservation Areas) Act 1990. Listed Buildings are a type of heritage asset.
Long-term land reserve	See 'Rural Fringe/safeguarded land'.

Glossary and Abbreviations	
National Planning Policy Framework (NPPF)	<p>The document that sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in decisions on planning applications. It replaces Government planning policies previously set out in Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).</p> <p>Further guidance on particular topics, entitled Planning Practice Guidance, is provided on the Department of Communities and Local Government website. This is intended to supplement the NPPF and be updated as necessary.</p>
Previously Developed Land (PDL)	<p>Land which is, or was, occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This <u>excludes</u>: land occupied by agricultural or forestry buildings; land developed for minerals extraction or waste disposal where provision for restoration has been made; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of structures have blended into the landscape.</p>
Proposals Map	<p>Shows on a map base all the site-specific policies and proposals set out in Development Plan Documents.</p>
Rural Fringe/safeguarded land	<p>Land between built up areas of Royal Tunbridge Wells and Southborough and the Green Belt that has been reserved to meet longer-term development needs.</p> <p>Areas of land designated as Rural Fringe by the Site Allocations Local Plan 2016 have been removed from the Green Belt to provide a long term land reserve, safeguarded to meet future development needs.</p>
Saved	<p>Certain planning policy documents or individual policies may be 'saved' pending their replacement by future documents or policies. A saved policy or document can still be used in making decisions on planning applications.</p>
Strategic Housing Market Assessment (SHMA)	<p>The SHMA considers housing need within the borough; the overall housing need as well as the need for different types and sizes of homes, including provision for the elderly and Starter Homes.</p>
Site Allocations Local Plan 2016	<p>A development plan document prepared and adopted by the Council, which allocates land for development pursuant to the strategy set out in the adopted Core Strategy 2010.</p>
Site-specific Flood Risk Assessment	<p>A detailed assessment of any flood risk arising from specific development proposals, prepared in support of applications for planning permission in areas subject to flood risk.</p>
Spatial planning	<p>A system of integrating land use planning policies with the policies of other plans, programmes and strategies, which also influence the nature of places and how they function.</p>

Glossary and Abbreviations	
Strategic Flood Risk Assessment (SFRA)	A document showing land at risk from flooding across the borough, prepared as part of the evidence base for Development Plan Documents such as the Site Allocations Local Plan.
Strategic Housing and Economic Land Availability Assessment (SHELAA)	The SHELAA identifies sites with potential for housing, employment and other uses and assesses both their potential for development and when they are likely to be developed. It is not an allocations document.
Sustainability Appraisal	An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process, to allow decisions to be made that accord with sustainable development.
Sustainable development	<p>International and national bodies have set out broad principles of sustainable development. Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>The UK Sustainable Development Strategy 'Securing the Future' sets out five 'guiding principles' of sustainable development:</p> <ul style="list-style-type: none"> • living within the planet's environmental limits • ensuring a strong, healthy and just society • achieving a sustainable economy • promoting good governance • using sound science responsibly <p>The NPPF describes the purpose of the planning system as to contribute to sustainable development.</p>

If you require this document in another format, please contact:

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Planning Services
Tunbridge Wells Borough Council
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Tel: 01892 554056

Email: planning.policy@tunbridgewells.gov.uk

**To view this consultation document online:
<http://consult.tunbridgewells.gov.uk>**

Strategic Planning, Sustainability and Transportation Committee	13 June 2017
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

Review of Air Quality Management and Low Emissions Strategy

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	John Littlemore, Head of Housing and Communities
Lead Officer and Report Author	Duncan Haynes, Mid-Kent Environmental Protection Team Leader
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That the proposed Low Emissions Strategy attached as Appendix 1 be approved for public consultation
2. That the associated Action Plan be approved for public consultation
3. That the proposed revision to the Air Quality Management Area included in the report detailed in Appendix 2 is approved for consultation with prescribed consultees and the public

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – by seeking to improve the air quality and the health of residents and visitors to the borough.

Timetable	
Meeting	Date
Committee Strategic Planning, Sustainability and Transportation Committee	13 June 2017

Review of Air Quality Management and Low Emissions Strategy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Previous reports to members on air quality have explained the benefit of having a holistic approach to the problems of improving air quality in Maidstone by adopting a Low Emissions Strategy (LES). This report proposes that the council issues the attached Low Emissions Strategy which includes an action plan (Appendix 1) to address air quality within the scope of control of the council or where the council can influence partner organisation. The report also proposes a revision of the Air Quality Management Area. Consultation for both elements will be with the statutory consultees such as DEFRA and open to all residents of the Maidstone Borough.
 - 1.2 The current Air Quality Action Plan (AQAP) for Maidstone was updated in 2008. Since then the majority of actions have either been completed or are no longer relevant. There remains an issue with high nitrogen dioxide levels in some areas of the Borough. These levels still pose a risk to the public health in those areas.
 - 1.3 The Maidstone Low Emissions Strategy will provide the context for Council's ambition to improve air quality and a programme of measures it wants to implement. It is proposed to combine the updated action plan within the Maidstone LES. The revised action plan is divided into key themes each with measures assigned to it. The themes are; Planning, Transport, Public Health, Property and Carbon Management, and Procurement.
 - 1.4 The revised action plan (Appendix 1 of the strategy) has been developed through a series of workshops based on each theme with specialists, Councillors and Officers.
 - 1.5 The review of the action plan has triggered an assessment of the current Maidstone Air Quality Management Area (AQMA) which has been in place since 2008.
 - 1.6 The report proposes that the AQMA is redefined to the footprint of the area where air quality exceedances of national objectives ($40\mu\text{g}/\text{m}^3$) has been recorded or modelled as shown in appendix 2.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The development of a Low Emission Strategy has been proposed in response to high levels of air pollution in specific parts of Maidstone. Previously the Council designated an Air Quality Management Area (AQMA) that covered the whole urban area due to elevated concentrations of Nitrogen Dioxide (NO_2) at residential receptors in six areas of the Borough.

NO₂ levels at key locations near to major roads and junctions remain above the EU Limit Value with no discernible downward trend.

2.2 The predominant source of these elevated levels is the emissions of oxides of nitrogen (NO_x) from road transport vehicles. Road transport vehicles are also a significant source of fine particulate concentrations in Maidstone.

2.3 Two issues are driving the development of the Low Emission Strategy, namely:-

2.3.1 From a Public Health perspective, it is known that high pollution levels can be responsible for both short term and long term health effects. It is estimated that approximately 72 deaths per annum are attributable to fine particulate concentrations (less than 2.5 microns in size). It should be noted that Maidstone is not currently in breach of the national objective for this pollutant. (Estimating local mortality burdens associated with particulate air pollution – Public Health England 2014) The report makes clear, however, that attributable deaths are not the same as actual deaths.

2.3.2 "Attributable deaths" is an estimate of deaths attributable to long term exposure to air pollution in a local area.

2.3.3 Long term exposure to air pollution is understood to contribute to deaths from respiratory and, particularly, cardiovascular disease. In other words, it is unlikely to be the sole cause of deaths of individuals.

2.3.4 This means that it is likely that air pollution contributes a small amount to the deaths of a larger number of exposed individuals rather than being solely responsible for a number of deaths equivalent to the calculated figure of "attributable deaths". The distribution of the mortality effect within the population is unknown.

2.3.5 The UK is now in breach of the EU Air Quality Directive and infringement proceedings have commenced. The level of fines could reach 400 million Euros and under the reserve powers of the Part 2 of the Localism Act 2011, these fines can be passed on to any public authority whose act or omission has contributed to these breaches. It is therefore important that Maidstone Borough Council is able to demonstrate that it is taking this issue seriously and not only meeting but exceeding its statutory duty.

2.3.6 The United Kingdom is currently in the process of leaving the European Union. It is unclear exactly what if any impact this may have on air quality targets for the UK, this will not be known for several years. However the UK remains a signatory of the Paris Accord binding it to reducing emissions.

2.4 The aims of the Low Emission Strategy are as follows:-

- a)** To achieve a higher standard of air quality across Maidstone.
- b)** To embed an innovative approach to vehicle emission reduction through integrated policy development and implementation in Maidstone

- c) To improve the emissions of the overall vehicle fleet using the Maidstone road network beyond the 'business as usual' projection, through the promotion and uptake of low and ultra low emission vehicles
 - d) To reduce emissions through an integrated and holistic approach covering all appropriate corporate policy areas. Under each area, specific actions aimed at reducing emissions are included.
 - e) To assist Maidstone Borough Council comply with its statutory air quality obligations
- 2.5 The Low Emissions Strategy (LES) revises and incorporates the Council's Air Quality Action Plan which was last updated in 2008. The Environment Act 1995 also requires that Action Plans be periodically reviewed – while no time limit is set, the latest DEFRA Policy Guidance, PG16, states that DEFRA would expect this to occur no later than every five years and more frequently if significant changes to sources occur within your local area.
- 2.6 The action plan appended to the strategy has been developed through a series of workshops involving businesses, partner organisations, Councillors and Officers across relevant service areas based on each theme.
- 2.7 The action plan is divided into the key themes set out in the strategy and each action has been recommended by the Councillors on the working group. There are 28 actions listed in total. Some of the actions can be delivered within MBC while the majority of actions will involve working with active participation from partners outside the authority. The most important of these are Kent County Council (KCC) and bus operators without whom the projects that are likely to make most impact unlikely to be successful. A full breakdown of the key stakeholders for each project is included in the action plan appended to the strategy.
- 2.8 The action plan includes projects which can be delivered using existing knowledge and resources within the Council. It also includes projects which will require extensive research and funding provision to deliver. The best example of this is the imposition of a "Low Emissions Zone" which requires research to fully identify the mechanisms, costs, risks and benefits. Projects of this nature if carried forward to the final action plan will be subject to individual reporting for approval prior to being implemented. This will enable Councillors to decide if they wish to proceed from a basis of the best available information. These projects have been clearly marked in the action plan with "ball park" estimates of potential costs provided.
- 2.9 A limited assessment of potential impact and risks is included in the action plan appended to the strategy document. Where there are as yet unknown costs or risks this is identified.
- 2.10 The current Maidstone Air Quality Management Area (AQMA) was declared in 2008 and covers the whole urban and suburban area of Maidstone. The significant update of the action plan should trigger a review of the AQMA to ensure that the action plan is directly relevant to the AQMA.

- 2.11 Since 2008 Maidstone have refined the air quality information gathered and developments in air quality modelling enable officers to define areas of air quality exceedance ($40\mu\text{g}/\text{m}^3$) far more accurately.
- 2.12 This data was provided to a leading UK Air Quality Consultancy, who were commissioned to model the extent of the areas of poor air quality providing several options to consider. This report is provided as a background paper for information.
- 2.13 An options appraisal on the revision of the AQMA is provided in Appendix 2.
- 2.14 Redrawing the boundaries of the AQMA more accurately to reflect areas of exceedance will remove the inequity of including premises within the area where there is no evidence of exceedances but imposes additional development costs to undertake air quality assessments. This also enables the Council to focus its energies more effectively and progress the ambitious actions proposed in the strategy.
- 2.15 The LES will complement but not duplicate a number of other ongoing policies of the council including, Local Plan, Infrastructure Delivery Plan, Integrated Transport Strategy, Licensing Policy, Parking Policy, Commissioning and Procurement Strategy. Where applicable, the LES and its guiding principles will seek to influence new or revised Council policies or strategies to ensure that emissions reduction is considered.
- 2.16 The LES will also support but not duplicate the work of the councils Public Health initiatives in particular those relating encouraging car users to travel by alternative means such as public transport and active travel.
- 2.17 In line with the Council's constitution progress on the actions approved will be reported back to the Strategic Planning, Sustainability and Transportation Committee on an annual basis co-ordinated by the Environmental Protection Team. The action plan appended to the strategy will be updated at this time to show what progress and outcomes made. The strategy as a whole will be reviewed in 2021 in line with the review of the Local Plan.

3. AVAILABLE OPTIONS

- 3.1 Option 1: Approve the Low Emissions Strategy and appended action plan with the revision of the AQMA following which the proposal will undergo a formal consultation to provide public feedback on the proposals. It is appropriate that a revision of the AQMA coincides with the adoption of a LES and action plan to ensure each element directly link. The revision of the AQMA is also necessary to justify a number of the proposed actions which it would be inappropriate to enact over the wider area of the current AQMA.
- 3.2 Option 2: Approve the Low Emission Strategy and appended action plan for consultation without reviewing the boundaries of the AQMA. This option will provide feedback on the LES and action plan. However there is a distortion between strategy and AQMA failing to reflect the current knowledge of air

quality in the borough. It may be difficult to counter arguments that some of the proposed actions cannot be justified over such a wide area.

- 3.3 Option 3: Approve the revision of the AQMA for consultation. This will provide feedback on the proposal but it will not progress a Low Emissions Strategy or action plan. The current AQAP adopted in 2008 will remain in place. It will be necessary to review the AQAP in its own right and produce a more limited plan to replace it.
 - 3.4 Option 4: Approve neither the Low Emissions Strategy with appended action plan nor review the AQMA. The Council has a statutory duty to have an AQAP in response to the declaration of the current AQMA in 2008. The current AQAP also issued in 2008 and must now be updated in its own right should the decision be taken not to progress with the LES. This plan would be more limited in scope than the proposed LES and have reduced impact on air quality and health.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1: Approve the Low Emissions Strategy and action plan with a revised AQMA. To open the LES, action plan and revised AQMA for public consultation.
 - 4.2 This option provides a robust review of the air quality within the borough based on current information and knowledge from air quality data. It provides links to the LES and action plan to provide mitigation and remediation of air quality exceedances in the borough. The revision of the AQMA is also necessary to justify a number of the proposed actions which it would be appropriate to enact over the wider area of the current AQMA.
 - 4.3 Adopting the LES with the action plan provides a more streamlined strategy that will enable the council to fulfil its statutory responsibility. It will also provide a holistic approach to tackling the issues associated with poor air quality.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 A Low Emissions Strategy workshop open to all Councillors in July 2016 explored the potential benefits of developing an LES for the Council. This workshop concluded that an Officer/Councillor working group should be established to produce an action plan to be incorporated into the strategy.
 - 5.2 A total of five subsequent workshops were held to examine potential actions within each theme of the LES. Expert witnesses were invited to attend and this included representatives from businesses operating locally such as the bus companies. The working group concluded with the identification of actions that Councillors have recommended to the Committee could be taken forwards to the action plan appended to the strategy.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 It is intended that the proposed strategy, action plan and revision of the AQMA will be subject to specific consultation. This will include statutory consultees in DEFRA, Environment Agency, Highways England, neighbouring local authorities, County Council. In addition to all Councillors, Parish Councils, local residents, local businesses, local MP and targeted special interest groups.
- 6.2 Following approval by the SPST Committee the consultation will run for 6 weeks from 3rd July 2017 to the 27th August 2017. It will include direct contact with the statutory consultees, Councillors and Parish Councillors, special interest groups and any partners identified. It will also include use of social media to publicise the consultation, promotion on the councils "Next Door Forum", advertisement in the Council's new in-house resident's news letter. In addition Environmental Protection Officers will undertake a consultation day in Jubilee Square where they will be available to speak to members of the public and any other interested party.
- 6.3 The feedback received from the consultation will then be collated and analysed for consideration.
- 6.4 The final strategy and action plan with revised AQMA will then be presented to the committee to decide on its formal adoption

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – by seeking to improve the air quality and the health of residents and visitors to the borough.	Duncan Haynes
Risk Management	<p>The Council is required to have an up to date AQAP, without this there is a risk that the Council will be in breach of its statutory duty. While the Council does not have to have an LES, this LES, incorporating an AQAP will fulfil its statutory duty. If the Council does not progress the LES it will need to revise the AQAP.</p> <p>The UK government is currently facing infraction proceedings for</p>	Duncan Haynes

	<p>failing to meet its targets to reduce poor air quality. Government has proposed that it may pass on any fines to local authorities that it perceives are failing to tackle air quality. The LES represents an opportunity to demonstrate that the Council is taking the matter seriously and doing more than the statutory minimum to address it.</p> <p>The issue of poor air quality gained a significantly higher public profile both nationally and locally in recent months. The LES represents an opportunity to demonstrate that the Council is taking the matter seriously and doing more than the statutory minimum to address it.</p> <p>There are a number of proposed actions in the action plan which are potentially controversial and may prove unpopular with specific stakeholders or groups such as bus companies. In these cases where actions require further preparatory investigation and risk appraisal such as the imposition of a Low Emissions Zone they will be subject to specific and individual reporting and committee approval.</p>	
<p>Financial</p>	<p>It is anticipated that most projects will be delivered using existing budgets and resources. However there are some projects such as the potential low emissions zone that will require extensive further research and costing. In these cases where there are significant cost implication these projects with fully detailed costing will be subject to separate reporting to</p>	<p>Monisola Omoni</p>

	committee to enable an informed decision to be made.	
Staffing	It is anticipated that most actions will be delivered by the relevant areas of the Council within existing staffing levels. However there are some larger projects such as the potential low emissions zone that may require additional resources to be made available.	John Littlemore
Legal		[Legal Team]
Equality Impact Needs Assessment	As part of the consultation process, the impact on groups with protected characteristics, for example children and young people will be considered. It will be ensured that there is engagement with hard to reach groups as part of the public consultation.	Equalities and Corporate Policy Officer
Environmental/Sustainable Development	The LES and revision to the AQMA will result in improvement of the environment and in the actions proposed under the planning section contribute to sustainable development.	Duncan Haynes
Community Safety	No issues identified.	Duncan Haynes
Human Rights Act	No issues identified	Duncan Haynes
Procurement	The LES will provide for emissions and sustainability factors to be considered to a greater degree in procurement	[Head of Service & Section 151 Officer]
Asset Management	The LES will provide for emissions and sustainability factors to be considered to a greater degree in asset management.	[Head of Service & Manager]

8. REPORT APPENDICES

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

- Appendix I: Low Emissions Strategy with appended action plan

- Appendix II: Air Quality Management Area options appraisal
-

9. BACKGROUND PAPERS

Review of Maidstone Air Quality Management Area by Air Quality Consultants
2016

Estimating local mortality burdens associated with particulate air pollution –
Public Health England 2014

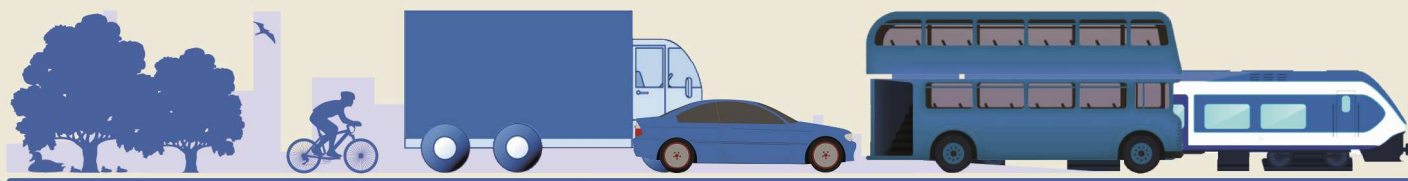
*To access the Background Papers for this item please follow the link below and
select the option to view the background to the item.*

<https://services.maidstone.gov.uk/meetings/ieListDocuments.aspx?CIId=579&MIId=2833>

DRAFT 1

LOW EMISSION STRATEGY

June 2017



Maidstone Borough Council

Low Emission Strategy



1 INTRODUCTION

In common with most other Local Authorities, Maidstone Borough has areas of poor air quality.

In 2008, the Council designated an Air Quality Management Area (AQMA) covering the whole urban area due to elevated concentrations of Nitrogen Dioxide (NO₂) at residential receptors in six areas of the Borough. NO₂ levels at some

key locations near to major roads and junctions remain above the EU Limit Value with no discernible downward trend. The UK is now in breach of the EU Air Quality Directive and infraction proceedings have commenced. The level of fines could reach 400 million Euros and under the reserve powers of Part 2 of the Localism Act 2011, these fines can be passed on to any public authority whose act or omission has contributed to these breaches. Whenever an Air Quality Management Area is declared, the Council must produce an Air Quality Action Plan describing the measures by which Air Quality will be improved so that the Air Quality Objectives can be met. MBC has taken the innovative approach, with the agreement of DEFRA, of producing a Low Emission Strategy which will also fulfil the requirements of the Air Quality Action Plan.

The predominant source of the elevated levels of air pollution is the emissions of oxides of nitrogen (NO_x) from road transport vehicles. Road transport vehicles are also a significant source of fine particulate concentrations in Maidstone and, although levels fall below the EU threshold, it is known that long term exposure to high levels of air pollution can potentially have serious health impacts. It is now thought that there is no safe level for fine particles (less than 2.5 microns in size). In 2013, the World Health Organisation (WHO) classified diesel exhaust emissions as carcinogenic to humans.

The Maidstone Carbon Management Plan ended in 2015 and has not been renewed. The LES and action plan (appendix 1) will replace the Carbon Management Plan.

2 AIMS

The aims of the Low Emission Strategy are as follows:-

- 1.** To achieve a higher standard of air quality across Maidstone
- 2.** To assist Maidstone Borough Council in complying with relevant air quality legislation.
- 3.** To embed an innovative approach to vehicle emission reduction through integrated policy development and implementation in Maidstone and across the region
- 4.** To improve the emissions of the vehicle fleet in Maidstone beyond the 'business as usual' projection, through the promotion and uptake of low and ultra low emission vehicles
- 5.** To reduce emissions through an integrated approach covering all appropriate municipal policy areas. Under each area, the specific actions aimed at reducing emissions will be developed.

3 ACTIONS

This strategy is divided into a number of themes. We will develop and carry out actions under each of these themes. The themes are shown below together with discussion and examples of the actions under consideration. These examples are indicative of the extensive actions proposed within the strategy and which are detailed fully within the action plan (appendix 1).

THEME 1 - TRANSPORT

Since transport is the main cause of the pollution affecting Maidstone Borough, the Transport section of the Low Emission Strategy will be the most important. This section will complement other Council Policies and strategies such as the Local Plan, Local Transport Plan and the Infrastructure Delivery Plan. In the past, Air Quality Action Plans have tended to try to deal with the problem by reducing congestion and encouraging so called modal shift, i.e. reducing the use of private cars by encouraging increased use of public transport, walking and cycling. However, the emphasis of the Low Emission Strategy is different since is aimed more at tackling the vehicle emissions themselves.

The latest UK road-traffic emission factors show that buses are significantly higher emitters of NO_x than cars, LGVs and even HGVs. The level of emissions is mainly dependent upon the emission technology (Euro classes). The bus fleet in Maidstone comprises predominantly Euro III vehicles, and although there are a significant number of Euro V vehicles. MBC should investigate ways to improve the composition of the bus fleet in the Borough.



Increasingly, Local Authorities are introducing Emissions Standards for the bus fleets within their Boroughs. One consequence of this is that, as bus fleet operators use their newer, cleaner buses in areas where emissions standards have been introduced, they shift their older more polluting buses to the

areas where no standards apply.

Therefore, an emissions standard for buses operating in the District, could achieve a significant improvement in air quality. This will be a medium to long term action, and is intended apply to the High Street initially, which is only open to buses and taxis but still has an exceedance of the Air Quality Objectives for NO₂. We will to work with bus operators to decide what a reasonable standard is, and over what period of time this could be achieved.

Similarly, MBC will consider an emissions standard for taxis. Taxis are far less significant polluters than buses, however MBC will be forward thinking and encourage the shift towards low and ultra-low emission vehicles. The present Taxi Licensing Policy sets a vehicle age standard, however, a standard based on vehicle emissions, coupled with measures to encourage the use of hybrid and electric vehicles as taxis would represent a significant improvement. This will be considered during the next review of taxi policy.

The council will be looking at ways to improve the emissions of the HGV and LGV fleets using the Borough's road network. For example, it might be possible to ease restrictions on late night deliveries, so that some lorries can be taken away from busy areas at peak times. However, this will need to be balanced with protecting residents from unreasonable noise disturbance.

MBC's own vehicle fleet currently uses some 130,000 litres of fuel annually, any savings can bring about financial as well as environmental benefits.

The Council will also be looking for ways to help promote the update of electric vehicles, for example, by encouraging developers to build in EV charging points to new developments, using parking policy to provide incentives for using low emission vehicles, and ensuring that all its own EV points are maintained and available for the public.

THEME 2 PLANNING

Effective planning policies can play a significant role in helping to sustain air quality improvements by both discouraging the use of high emission vehicles and supporting the uptake of low emission vehicles, including the provision of low emission vehicle refuelling facilities, such as EV charging points.



Recently published National Planning Practice Guidance (NPPG) states that mitigation may include the contribution of “funding to measures, including those identified in **air quality action plans** and **low emission strategies**, designed to offset the impact on air quality arising from new development”. While air quality is only one of many considerations that are relevant to planning, the NPPG states that where sustained compliance with EU Limit Values is prevented, a local authority is to “consider whether planning permission should be refused”.

It is increasingly recognised that developers should be required to use mitigation measures to offset the environmental damage caused by their new developments.

A number of Local Authorities have developed planning guidance which includes the integration of mitigation measures into scheme design as standard and uses a damage cost approach to inform the scale of mitigation required for major schemes. This approach should work very well in Maidstone Borough.

Maidstone Borough Council is proposing to implement the planning guidance developed the Kent and Medway Air Quality Partnership in the short term, and in the longer term intends to develop its own Development Planning Document, linked directly to the emerging Local Plan.

THEME 3 PROCUREMENT

The purchasing power of the public sector is significant in Maidstone and Kent. Recent legislation and guidance encourages the public sector to support the uptake and deployment of low emission vehicles through sustainable procurement decisions. The Maidstone LES development provides an opportunity to review sustainable procurement practices in both the Borough and County and identify specific principles and measures that could benefit both air quality and carbon reduction targets. The review provides an opportunity to look at 3 areas of procurement that could help reduce vehicle emissions:

Contracts relating to goods and services provided to the Council

Public sector organisations are required to look at best value, rather than lowest cost, when making procurement decisions. The **Public Services (Social Value) Act 2012** came into force on the 31st January 2013. The Act, for the first time, places a duty on public bodies to consider social value, including environmental considerations, ahead of a procurement exercise.

Local sourcing is practised widely by local authorities, whereby local suppliers are encouraged to bid for council contracts. Such initiatives have the potential to support the local economy while helping reduce overall mileage. Local sourcing offers the potential for lighter goods/low emission vehicles to be used in delivery. Helping local suppliers develop emission strategies can provide competitive advantage in procurement decisions.

Procurement of vehicles by the Council

The **Cleaner Road Transport Vehicles Regulations 2011** brings into force the requirements of the **EU Clean Vehicles Directive 2009** and require public sector organisations to consider the energy use and environmental impact of vehicles they buy or lease. A key concept of the Regulations is the consideration of whole life costs whereby the operational costs over a vehicle life, including pollution damage costs, are taken into account rather than just the purchase price. This helps to redress the issue of low emission vehicles costing more than conventional vehicles, while potentially having lower operating costs that outweigh the purchase increment.

MBC only has two pool cars, one diesel and one petrol. Changing them to electric or hybrid would be expensive, but would also improve the profile of MBC’s vehicle fleet and show the Council leading by example.

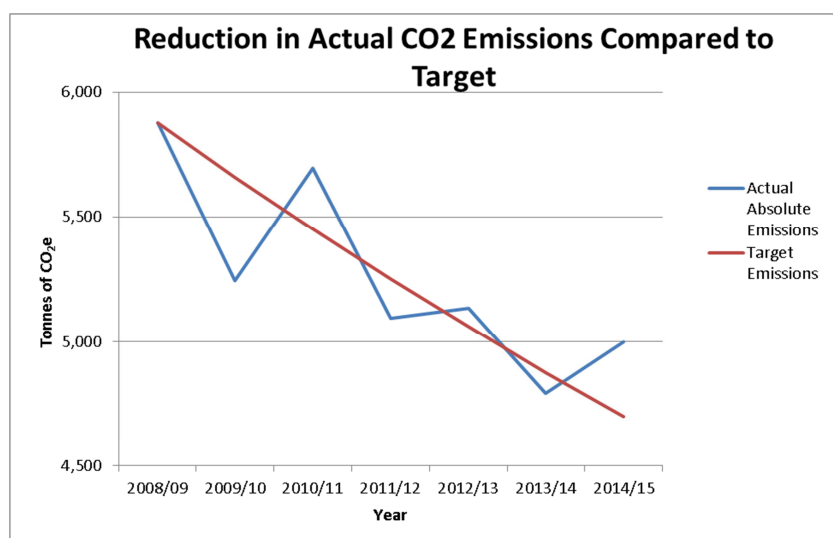
Partnerships

The Council should examine the increased potential for purchase cost savings when buying low emission vehicles and deploying low emission vehicle infrastructure through innovative partnerships with both public sector organisations and the private sector.

Maidstone’s Commissioning and Procurement Strategy should reflect all of the above legislation and guidance, and will be reviewed as part of the Low Emission Strategy.

THEME 4 - CARBON MANAGEMENT

MBC produced a Carbon Management Plan, with the aim of reducing CO₂ emissions from its activities by 20% from the 2008-09 baseline by 2015. This equates to 5,295 tonnes CO₂ with a cumulative value of £1.6 million. The baseline emissions for transport (fleet and business travel) is 2,024 tonnes.



The Carbon

Management Plan comprised some 44 actions and projects, some straightforward, and some aspirational, by which the target should be met.

The Plan is now complete, and the graph shows the actual annual CO₂ reductions which the plan achieved.

In future years, carbon management will form part of the Low Emission Strategy, rather than being a stand alone document. MBC will ensure that its buildings and those operated by contractors on its behalf, are performing as efficiently as possible, for example by the use of LED lighting in and additional PV panels in Council buildings. Such projects will be assessed on a case by case basis.

THEME 5 - PUBLIC HEALTH

Public Health is one of the key drivers behind the Low Emission Strategy. Air pollution is known to exacerbate asthma and allergies, and disproportionately affects the young, the elderly and those with pre-existing respiratory conditions such as bronchitis and Chronic Obstructive Pulmonary Disease (COPD). It also causes increased rates of hospital admission and premature deaths. Diesel fumes are now known to be carcinogenic.

In supporting the work of the Healthy Living team the Low Emissions Strategy will compliment but not duplicate work being undertaken to promote active travel initiatives and public transport use. This includes the councils Walking and Cycling Strategy.

The strategy also recognises that air quality issues often affect those in more deprived communities and vulnerable people who have pre-existing health conditions. This contributes to the level of health inequality which is experienced across the borough. The strategy will support but not duplicate the work of organisations such as the West Kent Clinical Commissioning Group and the Maidstone Health Inequalities Action Plan.

Consideration will be given to the introduction of a wide ranging scheme for recognising and rewarding behaviours which further the aims of the Low Emission Strategy. For example, business or vehicle fleet operators who have taken steps to reduce their emissions could be given a certificate, or sticker to display on their vehicles or premises, along the lines of the National Food Hygiene Rating Scheme.

Monitoring and Review

Progress on the action plan will be reported to DEFRA on an annual basis since the Low Emissions Strategy will form the Air Quality Action Plan. This update will also be reported to the committee with oversight of the strategy. The strategy as a whole will be reviewed in 2021 in line with the Local Plan.

Appendix 1. Low Emission Strategy Action Plan

Short term 1-3 years, medium term 3-5 years long term 5+ years

Theme	Action	Key Stakeholders	Brief outline	Timescale	Potential impact and potential risks
Transport	Investigate Low Emission Standard for Buses.	Environmental Protection (Lead)	The starting point is to get up to date information about the composition of the bus fleet operating in Maidstone.	3-5+ years	<p>A detailed proposal would need to be separately agreed by committee in its own right. The proposal itself is also likely to require a public consultation.</p> <p>Costs are not known at this stage however in preparing a recent funding bid it was estimated that £50,000 would be required to evaluate and establish feasibility and detailed costings if this element is undertaken by an external contractor.</p> <p>Potential impact is high, would make a meaningful difference in the high street and beyond as most buses also traverse the other hot spot areas to reach the high street. There is also potential to broaden it to the whole AQMA and to include other vehicle types in the future.</p> <p>Difficulty and risk level is high due to perceived impact on bus companies. It will be important to work closely with them in developing and implementing the project.</p> <p>Risks are financial, political and</p>
	Starting in the High Street	Business Improvement team Economic Development MBC Public Transport KCC Arriva NuVenture	<p>It will then be important to work with the operators to decide what a reasonable Euro Standard or equivalent would be, how long we would allow for operators to comply, how the scheme would be enforced and what the penalties for non compliance would be.</p> <p>Estimate 60-70 buses that would need to be retrofitted to comply with and Low Emissions Zone.</p> <p>This will be achieved through inclusion in the proposed "We care about air" scheme with additional recognition for low emission vehicles.</p> <p>Acknowledged that some factors are outside of our control and that this particular action is a multi faceted and very significant undertaking.</p>		

			This action needs to relate or refer to the infrastructure delivery plan.		<p>reputational for this project and will need to be fully evaluated in the investigation phase before a final decision can be made.</p> <p>There is an impact on their business models which would need to be taken into account as part of any evaluation. This scheme will be technically difficult and potentially expensive in terms of consultation, legal work and infrastructure such as signage and enforcement monitoring.</p> <p>MBC can apply for the necessary traffic regulation orders but it would be reliant on that being granted and the project as a whole being fully supported by KCC with buy in from the bus operators.</p>
Transport	Bus driver training	<p>Arriva</p> <p>Nu Venture</p> <p>Environmental Protection to gather information (lead).</p>	<p>Environmental considerations can be included in driver training.</p> <p>Bus companies and MBC will agree a driver training checklist. Operators will then provide details of how many drivers per year have received the training.</p>	1-3 years	<p>Potential impact low, risk also low.</p> <p>This will enable operators to actively demonstrate the pro-active approach they are taking.</p> <p>MBC can encourage and reward good practice via the awards and recognition scheme detailed later in the action plan.</p>
Transport	Provide input into and influence the review of bus	<p>Planning MBC (Lead)</p> <p>Arriva</p>	Report to commence a review of the bus interchange facilities, park and ride and parking in and around Maidstone Town Centre is being	5+ years	Potential impact on high street is high if the result is that buses are relocated from the area.

	station, time tabling and peripheral routes	Nu Venture Economic Development KCC Public Transport Director of Regeneration and Place	undertaken by MBC in partnership with multiple stakeholders. Environmental Protection will provide input to ensure that improvement of Air Quality is a core principle of this review.		However there is a risk in that relocation may create an air quality problem elsewhere. As the buses will continue to operate this project in itself will not greatly impact wider area. It is important to ensure that Environmental Protection is included in the project as it progresses and good links have been made with the main project officers.
Transport	Securing Grant funding for buses	Environmental Protection (Lead) Arriva KCC Public Transport NuVenture MBC Park and Ride	MBC are currently the lead authority for a project where up to 10 buses to be fitted with emission abatement technology. Further bids will be considered and applied for as grant funding becomes available.	1-3 years	This has potential to make a real measurable difference. As the retrofitted buses will immediately have reduced emissions. The difficulty is in securing bus operator co-operation. 4 buses have already secured however gaining agreement from bus operators for further buses is proving to be more difficult. If a low emission zone were declared this may become easier as it would give operators the opportunity to reduce their costs. The potential impact of securing further grants is high as increased funding will enable to projects to progress more quickly and some may determine whether they progress at all.

					<p>The difficulty is low, however the majority of funding has recently been awarded to Cities and councils where a Clean Air Zone has been imposed by DEFRA. The declaration of a Low Emissions Zone may provide an additional hook to provide successful bids.</p> <p>This does not carry a direct risk to MBC as the only money spent is grant funded. There is a risk in not being able to secure buses to retrofit.</p>
Transport	Emissions Standard for Taxis	Licensing Manager (Lead)	<p>This will be achieved through the taxi licensing policy by reducing the age of vehicles permitted to be used. The timing would coincide with the next programmed review of the taxi policy.</p> <p>This can only apply to vehicles registered in MBC.</p>	5+ years	<p>The potential impact is not as high as for buses. But would contribute to lowering of emissions.</p> <p>The difficulty comes from the fact that we have no control over taxis from over the rest of the county. Could apply only to our own fleet.</p> <p>There is a risk that this project could make MBC taxi services less competitive than other Kent authorities.</p>
Transport	Encourage use of Low and Ultra Low emission vehicles as taxis	Licensing MBC (Lead)	<p>This will be achieved through inclusion in the proposed "We care about air" scheme with additional recognition for low emission vehicles.</p> <p>It will also include consideration of a reduced license fee for low and ultra low emission vehicles.</p>	3-5 years	<p>The impact likely to be low at the start but has the potential to grow.</p> <p>Difficulty is in engaging with stakeholder and convincing them of the merits of using low emission vehicles.</p> <p>There is risk that in offering a reduced</p>

					fee MBC will lose revenue from the license fee. As uptake of applicable vehicles increases the reduction would need to be reviewed.
Transport	Prevent bus and taxi drivers from leaving their engines idling	Environmental Protection MBC (Lead) Public Comms MBC Licensing MBC Arriva Nu Venture	This will be achieved through inclusion in the proposed "We care about air" scheme with additional recognition for low emission vehicles. The initial approach will be one of education and promotion to encourage better practice. Should improvements fail to be realised enforcement options will be considered further.	1-3 years	The impact is difficult to predict but potentially high over time if a genuine behavioural shift can be achieved. The difficulty level is technically low but will involve significant officer time in promotion and administration of the scheme. It will also require a budget allocation. See action detailed in public health section.
Transport	Prevent inappropriate parking in the High Street by unauthorised vehicles	Parking MBC (Lead) KCC Traffic Enforcement	This will be achieved by effective enforcement of existing restrictions. Enforcement agencies will provide details of numbers of infringements and penalties issues per annum.	1-3 years	Impact likely to be relatively low but will reduce congestion. Difficulty and risk is low. The existing restrictions are well known and should be enforced effectively. This project will rely in part on the participation of KCC traffic enforcement to be proactive in approach and supply the data requested.
Transport	Work with schools to reduce impact of school traffic	Environmental Protection (Lead) KCC	Continuation of MBC sponsorship of the Walk on Wednesday Scheme.	1-3 years	The impact of the scheme as a whole is measurable in terms of car journeys reduced. Sponsorship of the project also provides good publicity opportunities to raise the profile of the MBC air quality agenda.

		Economic development	Link in with other regular MBC contacts, with schools such as visits and attendance at large events.		<p>Difficulty is low.</p> <p>Financial cost £2300 pa is within existing budget.</p> <p>The impact is difficult to predict and measure.</p> <p>Difficulty and risk are low in linking in with established outreach programs already being delivered.</p> <p>Time and financial resources needed to prepare successful programs. Costs could be met within existing budgets provided that the ambitions and program materials are limited.</p>
Transport	Encourage and facilitate reducing the impact of delivery vehicles	Environmental Protection MBC (Lead) Planning MBC Environmental Enforcement MBC	<p>Environmental Protection will work with colleagues in planning to provide guidance to developers to limit restrictions on post-peak time delivery</p> <p>This will be balanced with protecting residents from unreasonable noise disturbance.</p>	1-3 years	<p>The potential impact is unknown. We do not know how many vehicles it would relate to. This would reduce congestion and take lorries off the road at peak time.</p> <p>Difficulty is quite low however there is a risk that this measure may cause increased noise complaints to be received as night time deliveries could never be truly silent.</p>
Transport	Use of MBC Parking Policy to improve Air Quality.	Planning (Lead) Parking Property	Report to commence a review of the bus interchange facilities, park and ride and parking in and around Maidstone Town Centre is being undertaken by MBC in partnership	5+ years	The potential impact medium. The difficulty and risk is low as consideration of AQ issues should be part of any such review.

		Services	with multiple stakeholders. Environmental Protection will provide input to ensure that improvement of Air Quality is a core principle of this review		The potential impact is high if sufficient traffic flow improvement can be delivered. The difficulty lies in the reliance on KCC to support and implement this project as it is not in MBC control. This removal of on street parking carries a risk in terms of negative reaction and publicity by those affected by not being able to park in those areas.
		KCC Planning (lead)	Investigate measures to reduce on street parking in pinch points where this causes congestion. This will involve locating the key areas and identifying measures to improve traffic flow. This can link in with the SMART report.		The potential impact is high encouraging the uptake of electric vehicles
		Parking MBC (Lead)	Provision of cheaper or free parking for low emissions vehicles.		This could be the use of dedicated parking bays or a cheaper season ticket not linked to a specific bay. The scheme could also then apply to residents parking permits etc. The technical difficulty low but this project carries a cost of up to £2000 per space per annum if applied to a dedicated bay.
Transport	Use of new and novel technology	All	All stakeholders will be open to the use of new and novel technologies and ideas to contribute to solving problems, speeding up solutions or delivering them more quickly.	Aspirational	The potential impact unknown as it depends on the project identified. Difficulty and risks are again variable depending on the technology, costs and the intended uses.
Transport	Ensure that all EV Points are	Property Services MBC	There are currently EV points at Maidstone House, Moat Park KCC	1-3 years	The potential impact high in that MBC is leading by example.

	maintained and available for the public	and KCC (Lead)	Allington Depot. It is important that the Local Authorities lead by example in ensuring that these and any other provided are maintained in good working order and are accessible to the public.		The difficulty is low. The risk lies in not being able to demonstrate that MBC is maintaining its own facilities. This would damage the credibility of the council. It is important that KCC also maintain their services as many people will not know which facilities belong to who. In this aspect this project has some reliance on a party beyond the control of MBC.
Planning	Adopt Kent and Medway Air Quality Planning Guidance.	EP Planning Policy (Lead)	This will adopted as technical guidance in the short term pending the longer term The main components of the guidance are to require mitigation of air quality impacts to be designed into major developments and to require EV charging infrastructure in new large developments	1-3 years	The potential impact high and long term. Difficulty level is low. As technical guidance no formal consultation would be required for adoption and use. There is a risk that developers could appeal against conditions added following the guidance but there will still be some weight attributable to the document. The replacement of the guidance with a more robustly defensible document is part of another action.
Planning	Local Plan Development Plan Document	Planning Policy (Lead)	This will be a "mini" local plan relating just to air quality and could have several policies within it. It will deal with the issue in the round and make it a high priority	3-5 years	The costs of this project could be significant. As such this action will be subject to individual approval by committee. Based upon experience provided by the recent local plan review a very

			for MBC corporately.		<p>ball park cost of this project is £65,000.</p> <p>Potential impact is high as will provide long term and robust inclusion of AQ in developments within MBC.</p> <p>Difficulty is high in that it will involve several consultation periods and scrutiny by planning inspector. Estimated time for delivery 2 years.</p> <p>There is a risk that the DPD will not be adopted but this is mitigated by the short term use of the Kent and Medway Guidance in the interim.</p>
Planning	Development Management influence on developments to mitigate impact on AQ.	Development Management (Lead)	Ensure that design of new developments does not create new AQ problems e.g. buffer zones are incorporated to set back developments from heavily used roads.	Ongoing 1-3 years	<p>The potential impact is high in prevention of new street canyons. Which cause air quality problems to be made worse.</p> <p>Difficulty and risk are low and this work is already ongoing.</p> <p>The potential impact is low on the AQMA specifically but this project could be important in reducing overall emissions in the borough. It will play an important part of the holistic emissions mitigation of developments.</p> <p>Difficulty and risks with project are</p>
		Environmental protection (Lead)	Establish if possible the impact of nox from boilers		

					low.
Procurement	Review of Commissioning and Procurement Strategy	Procurement (Lead)	Examples of the type of action which could be considered, are an emission standard for vehicles delivering to the Council, or restrictions on distances which supplies can be sent	3-5 years	<p>It is likely that a new strategy will need to be approved individually by committee. This will enable the costs and benefits to be explored thoroughly and for a decision to be made taking those factors into consideration.</p> <p>The potential impact of the project is high particularly in showing the council is leading by example.</p> <p>There may difficulty in ensuring buy in from all managers which should to be championed at a senior management level.</p> <p>There is a risk that by adopting measures to reduce emissions through procurement that the lowest price option may not be the best scoring bid. This will depend on what weighting is attached to this element or if is a mandatory requirement.</p>
Property/carbon management	Ensure that any buildings owned by MBC and managed by contractor are performing as efficiently as possible to	Property Services (Lead)	This would include use of low energy lighting heating etc.	1-3 years	<p>The potential impact depends on when the contract for each building is renewed. It also depends on how efficient the current operation of each building is by the operators.</p> <p>Difficulty is low. There may be a risk that the cost of contracts could increase to cover the costs of</p>

	reduce emissions.				installing low emission measures. This could be mitigated by the wording of any contract.
	Heat recovery from the Crematorium	Waste and Street Scene (Lead)	This will involve capturing the waste heat and using it on site.	3-5 years	<p>This measure is being reported individually by committee. This will enable the costs and benefits to be explored thoroughly and for a decision to be made taking those factors into consideration. The cost of the project is £8000.</p> <p>The potential impact is high and shows MBC to be leading by example in reducing waste emissions.</p> <p>The difficulty may be high technically in terms of installing the appropriate infrastructure and securing a customer for the heat. There are also potential difficulties in overcoming and anticipated negative public reaction.</p> <p>Costs of installing the infrastructure are likely to be high however a long term profit should be the aim of the project for it to be considered viable.</p>
	Sustainable development principles enshrined in MBC development projects.	Director of Regeneration and Place (Lead)	It is more cost effective to build in suitable measures than to retrofit. This could include energy efficiency, and sustainable materials etc. This should include projects in Mote Park, Brunswick Street, and Maidstone East,	Short term	<p>The potential impact is high in showing MBC leading by example.</p> <p>Difficulty levels are low if led by senior management.</p> <p>There is a risk that in adopting these</p>

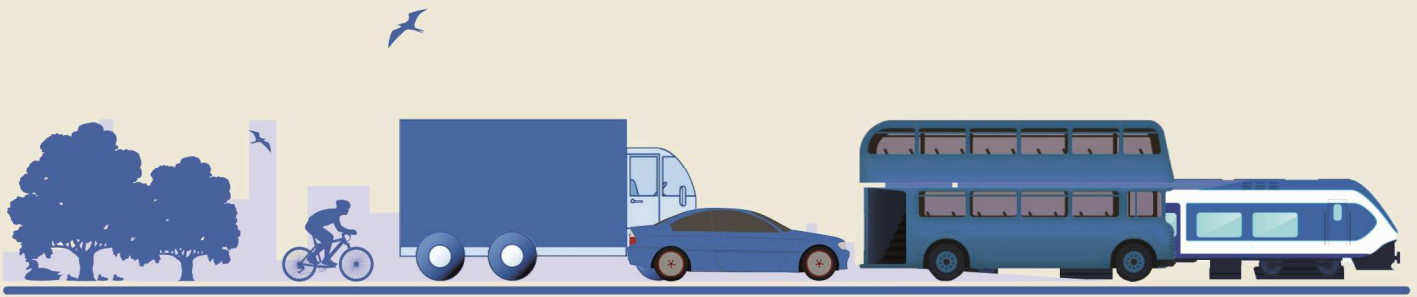
			<p>Brunswick Street.</p> <p>It could include community heating schemes.</p>		<p>principles development costs may increase slightly. However that is largely countered by the risk of being identified as not following those principles at the same time as the council is encouraging the approach in private developers.</p>
	<p>Scheduling of refuse vehicles to minimise AQ impact. put cleaner vehicles in poor AQ areas</p>	<p>Waste and Street Scene (Lead)</p>	<p>This involves putting cleaner vehicles in poor AQ areas</p> <p>This is not as simple as it sounds as vehicles do get swapped around between rounds.</p>	<p>1-3 years</p>	<p>The potential impact is high in reducing emissions from diesel vehicles particularly at busy times of the day. This project will demonstrate that MBC is leading by example.</p> <p>There is difficulty in scheduling vehicles consistently, no added risk.</p>
	<p>Replacement of MBC pool cars with hybrid or electric.</p>	<p>Procurement (Lead)</p>	<p>MBC currently has one petrol and one diesel car. Both less used than have been. Could be changed to electric or hybrid but would cost approx. £150 per month more.</p>	<p>3-5 years</p>	<p>The potential impact is low as MBC operates only two cars. However it does show MBC leading by example.</p> <p>Difficulty level is low however the action does carry increased costs of £150 per month.</p>
	<p>Minimising emissions from MBC Fleet</p>	<p>Waste and Street Scene (Lead)</p>	<p>This will involve further trials of in suitable areas such as for town centre focussed units and supervisor vans. Other vehicles need greater range. These will be replaced with more efficient less polluting vehicles as they are replaced.</p>	<p>5+years</p>	<p>The potential impact is high depending on the numbers of vehicles that can be changed and how suitable to the alternative vehicles are.</p> <p>Difficulty level is technically low.</p> <p>The action is likely to carry some</p>

			The golf course has petrol buggies which could be replaced.		added costs and need it will be important to ensure only suitable vehicles are used which do not affect service delivery. Increased initial costs of purchase should be regained in lower fuel costs.
	Increase electric vehicle infrastructure.	Parking (Lead)	A reserved for electric vehicle point costs £2000pa. Indications are that in town area is not currently a shortage. However this should be reviewed regularly. Potential income stream in parking. If infrastructure is increased in wider district may have more use and impact.	3-5 years	<p>The potential impact is high in encouraging the uptake of electric vehicles.</p> <p>Taking long term view the use of these vehicles should become the mainstream. In this event it would be possible to charge for the use of the service and generate an income stream.</p> <p>Difficulty levels are technically low.</p> <p>The action carries a cost of £2000 per space per year. The provision of further infrastructure in rural areas should be considered as these are typically less well served.</p> <p>There is a risk that having provided the spaces they are underused. The location of the provision will need to carefully considered to achieve the best benefit.</p>
	Improved bicycle	Parking (Lead)	There is currently good provision in town centre, at West station and	1-3 years	The potential impact is low with provision of facilities reported as

	parking facilities		<p>top of Gabriel's Hill. Not covered. Could dedicate current parking spaces for bikes but cost of £2000pa per space.</p> <p>Provision of covered secure parking facilities which to be used at chargeable rate.</p>		<p>good. It is unlikely to encourage much greater cycling. However the provision of secure facilities which can be used at a chargeable rate may encourage those with expensive bikes to use them and offset costs of installation.</p> <p>Difficulty is level low. There would be an installation cost for secure facilities and a loss of revenue of £2000 per space per year if located in existing parking spaces.</p> <p>There is a risk that having set up the facilities they are not used.</p>
	Review park and ride scheme to create lower emissions.	Parking (Lead)	<p>Current contract has been extended to summer 2018. When renewed will be able to specify emissions standards of buses but this will ultimately be a Cllr decision.</p> <p>Inclusion of the potential for Park and Stride will also be considered for people wishing to park and walk into town.</p>	3-5 years	<p>It is likely that this measure will need to be approved individually by committee. This will enable the costs and benefits to be explored thoroughly and for a decision to be made taking those factors into consideration.</p> <p>The potential impact is high reducing emissions from buses which traverse the High Street and other air quality hot spots. This also shows MBC leading by example in actively doing something that it is asking other bus operators to do. The action ties in with the potential low emissions zone and the bus retrofitting project.</p> <p>Difficulty technically low.</p>

					There is a risk that this may carry an increased cost of contract and therefore higher costs to use the service.
Public Health	Ensure that the protection and improvement of public health is a core principle of AQ work.	Environmental Protection (Lead)	<p>All of the actions above will have a direct or indirect impact on public health. Where an existing scheme is in operation we will signpost to it.</p> <p>See above re engagement with school groups and larger events.</p> <p>The Environmental Protection Team Leader will represent this issue as a Public Health Champion within MBC.</p>	1-3 years	<p>The impact of this action is difficult to measure as the initiatives being flagged are operated by others.</p> <p>Difficulty level is technically low as the intention is to flag public health initiatives already in progress rather than to repeat them.</p>
	Raise public awareness of AQ issues and promotion of good practices by important stakeholders	<p>Environmental Protection (Lead)</p> <p>KCC</p> <p>Licensing</p> <p>MBC Comms</p> <p>Health Team</p> <p>CCG</p>	<p>A recognition scheme will be devised and promoted to promote awareness of AQ issues and best practices among key stakeholders. These will include taxi and bus operators with "awards" given for those performing to a high level.</p> <p>It could also include businesses and business groups working to reduce their overall emissions, or who encourage flexible working initiative to reduce staff travel etc.</p>	1-3 years	<p>There is a risk that this scheme could try to cover too many areas in scope and be too expensive and time consuming to launch and administer. The scope and administration of the scheme will need to be carefully determined before it is implemented.</p> <p>Alternatively the approach could be taken to provide a limited budget of £5000 be allocated to the projected and the scope of the scheme tailored to fit that budget.</p> <p>The potential impact is high across</p>

					<p>the transport and property emissions areas provided that sufficient participation in the scheme can be achieved.</p> <p>Difficulty level is high, it will take time and a budget provision that is not currently available to develop and implement the scheme.</p> <p>The scheme will also need to be allowed time secure membership and grow. There will be an ongoing time commitment required to administrate the scheme unless it can be handed over once running to be run by members of the scheme themselves.</p>
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The Current Air Quality Management Area

1. The current Air Quality Management Area (AQMA) covers the whole urban area as shown on the attached map. This was declared in 2008. The approach of declaring an urban wide AQMA has both advantages and disadvantages and was perhaps “of its time” when awareness of the issues surrounding air quality were less widely known and given less importance. In 2008, it was felt that the urban wide AQMA would raise awareness of air quality both within MBC and with external partners. It was also intended provide more influence over planning decisions and help to improve air quality in the District. The urban wide AQMA is very large, enclosing roughly 40 square kilometres.
2. Since the declaration of this AQMA, the council has 8 years of additional monitoring data, from a large number of locations across the borough. This data shows very clearly that the current AQMA includes many areas where air quality is not in exceedance of national guidelines and does not represent a risk to the public health. It is also acknowledged that there is a far greater acceptance and awareness of air quality issues within MBC and external partners. There is now recognition, that all have a role to play in helping to improve air quality. In that respect the current AQMA has achieved one of its goals.
3. However it should also be acknowledged that the council needs to focus efforts and target actions on the specific areas where air quality is a genuine problem and that having such a wide area has potential to dilute the focus of these actions. In addition it must be noted that in the actions proposed there are a number that while justifiable in an area where air quality is demonstrated to be poor they would be difficult to justify in areas where air quality has been demonstrated to be acceptable. An example of this is the proposal to implement a Low Emissions Zone restricting the type of vehicles that can access the proposed area.
4. It is considered good practice for Local Authorities to review AQMAs from time to time. It is also good practice for the AQMA to be reviewed when the action plan is significantly revised. It is required that the adopted action plan should be directly related to the AQMA. It is therefore appropriate to review Maidstone’s AQMA, taking account of the additional data available and the nature and ambition of the proposed action plan.
5. The Environmental Protection Team engaged the services of Air Quality Consultants Ltd, one of the longest established specialist Air Quality Consultancies in the UK who have provided assistance in dealing with Local Air Quality Management (LAQM) to more than 30 Local Authorities. Air Quality Consultants Ltd used the latest air quality data from our automatic monitoring stations and our network of diffusion tubes in order to model air quality throughout the District.
6. The results of this work clearly show the extent of the actual areas of poor air quality in the town centre and beyond. This is also shown on the attached map. As can be seen it forms a much more discrete area. The contours are labelled with the area in green showing the area where air quality is no longer likely to be in breach of the national objective.
7. From 1 April 2016 to 31 March 2017, there were 1301 planning applications originating from properties in the current AQMA. Over the same period there were 641 planning applications from properties within the boundaries of the proposed new AQMA. Each

of these applications is set to trigger a consultation to the E.P Team, as the application is in the AQMA it has been common practice to require an air quality assessment on these often very small applications. These assessments almost always result in a conclusion that air quality is acceptable and costs the applicant significant expense and time delay. It could be argued that do so is an unnecessary and unfair penalty on developers. It also has the effect that it diverts time of E.P Officers away from applications in areas of genuinely poor air quality where their time would be better spent.

8. The reduction in consultations would not result in a non-precautionary approach being taken to air quality and development as the Environmental Protection Team will continue to be consulted on any major developments that are not inside the AQMA due their potential impact on air quality. It would however enable officers to devote more time to those more important applications.
9. While it is proposed to change the size and shape of the AQMA to enable a greater focus on the areas of genuinely poor air quality this does not mean that the E.P Team will reduce the level of monitoring that is undertaken across the area. The current monitoring locations are shown on the map below. There are currently 57 locations that are monitored on a monthly basis. The monitoring at these locations will continue and if it is noted the air quality in a location that is currently acceptable has deteriorated the AQMA can be revised accordingly.

Proposed AQMA

10. The data available to us now, compared to when the AQMA was originally declared, allows us to be more confident about exactly where the areas of poor air quality really are. Therefore we are now able to redraw the boundaries of the AQMA so that only those areas are included.
11. The results of the review are shown on the map attached. The map shows contours of different pollution levels represented in different colours. All the areas above $40\mu\text{gm}^{-3}$ must be included in the AQMA, but it is recommended that the $36\mu\text{gm}^{-3}$ contour is also included in the AQMA. This not only makes an allowance for any modelling errors, but means that the E.P Team be alerted to developments in areas already close to exceeding the air quality objective.
12. The Council is required under Schedule 11 of the Environment Act 1995, to consult on changes to the AQMA. Statutory consultees include the Secretary of State, the Environment Agency, the Highways Agency, the County Council and neighbouring District Councils. Non statutory consultees include local residents and businesses, Local Council Members and the local MP.

