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Report on Otham Parish Neighbourhood Plan 2020-2035

An Examination undertaken for Maidstone Borough Council with the support of Otham Parish Council on the August 2020 Submission version of the Plan.

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Date of Report: 4 March 2021

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Main Findings - Executive Summary

From my examination of the Otham Parish Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Otham Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Otham Neighbourhood Area, as identified on the Map at Page 3 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2020 to 2035; and,
- the policies relate to the development and use of land for a designated Neighbourhood Plan Area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Otham Parish Neighbourhood Plan 2020-2035

- 1.1 Otham Parish lies to the east of the urban area of Maidstone, and at the 2011 Census had a population of 523 persons with 204 dwellings.
- 1.2 The village of Otham has a long history, being listed in the Domesday Book with the village at one time in the possession of Odo, Earl of Kent and Bishop of Bayeux, the half-brother of William I. His estates in England were subsequently forfeit to the Crown and under Henry III the land was held by Peter de Otham. The land has subsequently changed ownership on several occasions down the centuries.
- 1.3 In the 14th and 15th Centuries extensive ragstone quarrying took place, and the extent of that quarrying is still visible today in the valley that borders the Village Green. Hop and fruit growing was recorded in the 18th Century, but hop production declined in the 1950s and 1960s, and has largely been replaced by arable and sheep farming. There is still some extensive fruit farming within the Parish.

- 1.4 One of the village's oldest buildings is the 12th-century Parish Church of St. Nicholas, which is a Grade I listed building. Otham also has a number of significant listed medieval houses including Otham Manor (Grade I), Synyards (Grade I) and Stoneacre (Grade II*). Much of the village centre is protected as part of the Otham Conservation Area, as it is a well-preserved example of a medieval village. Historic England comment that "*Otham boasts an array of stunning heritage assets*".
- 1.5 Otham Manor was a 14th-century Wealden Hall House, but was extensively modified in later centuries; it was most recently modified and extended in the 20th Century. The estate fell into a state of semi-dereliction by the early 1990s but has been subsequently restored by its new owners.
- 1.6 Relative to the number of dwellings existing in the Parish prior to 2011, significant new residential development has already taken place or is planned to take place within the Parish during the next 10-15 years.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Maidstone Borough Council (the Borough Council), with the agreement of the Parish Council.
- 1.8 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.10 As the independent examiner, I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

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- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended)('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and

¹ The existing body of environmental regulation is retained in UK law.

- meet prescribed conditions and comply with prescribed matters.

1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').²

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Maidstone Borough Council, not including documents relating to excluded minerals and waste development, is the Maidstone Borough Local Plan 2011-2031 (MBLP), which was adopted on 25 October 2017.
- 2.2 The Basic Conditions Statement (at Sections 1 and 3) provides an assessment of how each of the policies proposed in the Plan have regard to national policy (Section 1) and are in general conformity with the relevant strategic policies in the adopted Local Plan (Section 3). Having been adopted in October 2017, the Local Plan provides a relatively up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared. A review of the Local Plan is underway, albeit this is at a fairly early stage of progression with consultation on the 'Preferred Approaches (Regulation 18b) for the Local Plan Review' having taken place from 1 December 2020 to 8 January 2021.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 (and updated on 19 June 2019). All references in this report are to the 2019 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Otham Parish Neighbourhood Plan 2020-2035 (Submission Version) (undated);

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

- the Environmental Statement (August 2020), incorporating both the Strategic Environmental Assessment Screening Report and the Habitats Regulations Screening Report;
- the Basic Conditions Statement (August 2020);
- the Consultation Statement and Appendices 1 and 2 (undated); and
- all the representations that have been made in accordance with the Regulation 16 consultation.³

Preliminary Questions

2.5 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Borough Council and the Parish Council on 22 December 2020⁴ seeking further clarification and information on three matters contained in the submission Plan, as follows:

- firstly, I invited the Parish Council to provide me with a note setting out the evidence sources, and in particular any technical assessment, that leads to the categorisation of land parcels as having "*high anti-coalescence value*" or "*moderate anti-coalescence value*" as identified on Map 6.1 and referenced within Policy AC1. I also requested a plan to show the full extent of Area A, an area of high anti-coalescence value;
- secondly, as drafted, I advised that I did not consider Policy ST4 to be a land use planning policy but is instead a community objective to secure the upkeep and maintenance of Public Footpath KM94. I further noted that I considered there to be significant overlap between Policies ST1, ST2 and ST3. I therefore invited the Parish Council to provide me with a note with their comments on the potential consolidation of Policies ST1-ST4 into two policies, one addressing the existing network of Public Rights of Way including the need to promote improved accessibility for users (which is the objective of Policy ST4) and the second addressing the objective of ensuring that new developments include proposals to enhance walking and cycling; and
- thirdly, I advised that, as drafted, Policy CL1 seems to be contingent upon the outcome of a survey of community need for a new village hall that is described as being underway. I therefore requested that the Parish Council update me on the survey, as I considered that the Policy as a whole, if appropriate, should not be contingent upon a survey that may be incomplete. I further noted that the Parish Council and the Village Hall Committee do support

³ View at: <https://localplan.maidstone.gov.uk/home/neighbourhood-planning/otham-neighbourhood-plan-regulation-16-consultation-october-2020>

⁴https://www.othampc.org.uk/spage-otham_neighbourhood_plan_consultation-examiner_correspondence.html

the project for a new village hall and that criteria 2-4 of the Policy are likely to apply to any specific proposals.

- 2.6 In response to my letter of 22 December 2020, the Parish Council provided me with responses to the preliminary questions on 3 January 2021.⁵ I have taken account of the additional information contained in these responses as part of my full assessment of the draft Plan, alongside the documents listed at paragraph 2.4 above.

Site Visit

- 2.7 I made an unaccompanied site visit to the Neighbourhood Plan Area on 23 January 2021 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

- 2.8 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.9 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Otham Parish Council. An application to the Borough Council for the Parish Council area to be designated a neighbourhood planning area was made on 9 May 2017 and was approved by the Borough Council on 1 August 2017 following public consultation between 16 June and 28 July 2017.
- 3.2 The designated Neighbourhood Area comprises the whole of the Parish of Otham. The designated area is shown on the maps at Pages 3 and 27 in

⁵ [[Insert link – this response needs to be published on the Maidstone website](#)].
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the Basic Conditions Statement and on the map at Page 3 in the submission Plan. The Otham Parish Neighbourhood Plan is the only Neighbourhood Plan in the designated area.

- 3.3 Otham Parish Council is the designated body for the preparation of the Plan. The preparation of the Plan has been led by a Steering Group, which was established in May 2016, initially comprising five Parish Councillors and five residents.

Plan Period

- 3.4 The draft Plan specifies (on the front cover and on page 3) the period to which it is to take effect, which is for the period 2020 to 2035. This encompasses the remaining part of the plan period for the adopted MBLP (up to 2031) and part of the proposed plan period for the emerging Local Plan Review which will cover the period 2022-2037.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its Appendices sets out a full record of the Plan's preparation and its associated engagement and consultation activity. The decision to undertake the preparation of the Neighbourhood Plan was taken in 2015, following the distribution of a wide-ranging community questionnaire, the results of which informed the initial basis and community land use aspirations for the Plan. The results are summarised at Appendix 2 in the Consultation Statement. During 2016 and 2017 further community engagement activity took place, for example through the village's Ragstone newsletter and by attendance at the Otham fete in June 2017.
- 3.6 Further survey work was undertaken in 2018, for example concerning the usage of footpaths and green spaces in the Parish. The results of that survey work are also recorded at Appendix 2 in the Consultation Statement. Community engagement activity continued during 2018 and early-2019 prior to the preparation and publication of the draft Plan for Regulation 14 consultation.
- 3.7 The Regulation 14 draft Plan was published for public consultation from 22 July–6 September 2019. A total of seven responses were received from statutory bodies, developers and local residents, following which the draft Plan was amended where considered appropriate to take account of the responses.
- 3.8 The Consultation Statement sets out a comprehensive record of the responses received to the Regulation 14 consultation and the subsequent actions that were taken to amend or modify the draft Plan following those responses.
- 3.9 At its meeting held on 7 September 2020, the Parish Council resolved to formally submit the Plan to the Borough Council for Examination under

Regulation 15, and the Plan was duly submitted on 8 September 2020. Regulation 16 consultation was then held for a period of six weeks from 16 October to 27 November 2020. I have taken account of all the responses then received, and one further late response accepted, as well as the Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

3.10 The draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act, with the exception of Policies ST4 and CL1 (see paragraphs 4.51 and 4.61 below, respectively).

Excluded Development

3.11 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.⁶

Human Rights

3.12 Neither the Borough Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Borough Council issued a Strategic Environmental Assessment (SEA) Screening Report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). This Screening Report is contained within the Environmental Statement (August 2020) submitted alongside the draft Plan and concludes that the policies in the draft Plan are not likely to have a significant effect on the environment, and therefore an SEA is not considered to be required. The Screening Report was the subject of consultation with the Environment

⁶ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

Agency, Natural England and Historic England, and none of these bodies raised any concerns such that a SEA would be required for the Plan.

- 4.2 I have considered the SEA methodology set out in the Environmental Statement and process by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects, bearing in mind also that the policies in the adopted MBLP were subject to sustainability appraisal (including four site allocations in the Parish identified in the MBLP for new housing development). Overall, I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential environmental effects upon interests of historic and heritage importance.
- 4.3 The Plan was also screened by the Borough Council in order to establish whether the Plan required Habitats Regulations Assessment (HRA) under the Habitats Regulations. Maidstone Borough contains two sites of European importance, North Downs Woodlands Special Area of Conservation (SAC) to the north west of the Borough and Queendown Warren SAC which lies on the northern boundary of the Borough. Beyond the Borough to the north is the Medway Estuary and Marshes Special Protection Area and Ramsar site. The HRA Screening Assessment, which is also contained within the Environmental Statement, concluded that the draft Plan did not require a HRA because of the distance of the Plan area, which is to the south of the Maidstone urban area, from the sites of European importance to the north of Maidstone, and the additional population supported by the Plan is less likely to place recreational pressure on those sites. I have noted that Natural England has not raised any concerns regarding the necessity for an HRA.
- 4.4 Therefore, I consider that on the basis of the information provided and my independent consideration of the Environmental Statement and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

Main Assessment

- 4.5 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.

- 4.6 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.7 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 19 policies, which address the following themes: Heritage, Conservation and Landscape Protection; Enhancing Green Space and Biodiversity Value; Anti-coalescence; Promoting Active and Sustainable Travel; Managing the Built Environment; and Community and Leisure. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁷ I recommend some modifications as a result.

Overview

- 4.8 The Plan is addressing a period up to 2035 and seeks to provide a clear planning framework to guide residents, businesses, the Borough Council and developers as to how the community wish to shape future development in the Plan area during that period. Sections 4-9 of the Plan contain specific policies in respect of each of the themes listed above.
- 4.9 Section 1 of the Plan provides an introduction to the Plan following the designation of the Parish as a Neighbourhood Area in August 2017 and includes a map of the designated area (on page 3).
- 4.10 Section 2 of the Plan provides a general description of the Parish, including details of its social and community facilities, its key natural and geological features, its designated landscapes and the main aspects of the agricultural industry that take place in Otham.
- 4.11 The Vision for Otham Parish towards 2035 is also set out in Section 2 of the Plan and states, "*That Otham be recognised as an important, ancient historic village nestled in a unique rural setting, with a vibrant community at its heart, providing a green oasis for the visiting population of Maidstone and part of a 'Green Corridor' that stretches from the edges of Maidstone, through the parish eastwards towards Leeds village. It should continue to thrive, meeting the evolving needs of the community while preserving the ancient core of Otham Village, its Conservation Area, its numerous listed buildings and its rural character*". This leads to the Plan's four Objectives, which are set out in Section 3. Those Objectives concern the need for the development of new housing in the Parish to sit

⁷ PPG Reference ID: 41- 041-20140306.

sympathetically with the historic and rural character of Otham, the maintenance of the key features of the natural environment in the Parish, the ability for the local community to live healthy lifestyles, taking advantage of the amenities in the Parish, and support for agricultural activities and the farming community within the Parish.

- 4.12 The Basic Conditions Statement (at Sections 1-3) describes how the Plan, and its Objectives and Policies, has regard to national policies contained in the NPPF and contributes to the achievement of sustainable development. Section 3, and notably Table 3.1, of the Basic Conditions Statement sets out how each of the Plan's 19 policies are in general conformity with the strategic policies in the adopted MBLP 2011-2031.
- 4.13 I consider that overall, subject to the detailed modifications I recommend to specific policies below, that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are also a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of the Borough Council. Accordingly, I recommend modifications in this report in order to address these matters.

Specific Issues of Compliance

- 4.14 I turn now to consider each of the proposed policies in the draft Plan, and I take into account, where appropriate, the representations that have been made concerning the policies.

Heritage, Conservation and Landscape Protection

- 4.15 Section 4 of the draft Plan addresses Heritage, Conservation and Landscape Protection in the Plan area, and contains two policies, Policies HC1 and HC2, which address the recreational and educational value of the designated Otham Heritage Trails and the protection of views across the countryside and the village.
- 4.16 Policy HC1 states that development will be supported provided it does not detract from the recreational and educational value of the Otham Heritage Trails. The Trails are described in Appendix 3 to the Plan, and the Policy requires a reference to that Appendix, to enable users of the Plan to understand their location and key features. I also consider that, for accuracy, the title of Appendix 3 should be amended to read "Heritage Trails" rather than "Heritage Walks", with a corresponding amendment to the Contents page. I therefore recommend modification **PM1** to address these matters.
- 4.17 Policy HC2 is concerned with the protection of views, and states that development proposals must give consideration to identified short-range and long-range views across the countryside and the village, and where appropriate seek to safeguard these views. The identified views are shown

on two maps (on pages 12-15) and a series of accompanying photographs (on pages 16-18). However, the Policy does not refer to the accompanying maps, and the maps themselves lack a clear notation panel describing the specific views, relying instead on the following photographs. This is not satisfactory for users of the Plan, and I consider that a number of amendments are required to both the Policy and the accompanying maps. Furthermore, a reference should also be made to Appendix 3 (to be titled 'Heritage Trails') which contains further information about many of the views. Recommended modification **PM2** addresses these matters, which are necessary to improve the clarity and understanding of this Policy.

- 4.18 With recommended modifications PM1 and PM2, I consider that the draft Plan's section on heritage, conservation and landscape protection and accompanying policies (HC1 and HC2) is in general conformity with the strategic policies of the MBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Enhancing Green Space and Biodiversity Value

- 4.19 Section 5 of the draft Plan addresses the green spaces, natural assets and habitats within the Plan area. It contains six policies (Policies GS1-GS6) which cover this theme. The Plan notes that the open spaces, footpaths and bridleways within the Parish are extensively used by residents living elsewhere, for example from Downswood, Senacre and Bearsted. Together with new residential developments taking place and planned within the Parish and beyond it, this has placed pressure on the publicly accessible green spaces and protected sites within the Plan area. The Plan recognises these pressures and sets out policies which are intended to safeguard the important green spaces, wildlife habitats, ancient woodlands, veteran trees and trees of significant amenity value.
- 4.20 Policy GS1 seeks to ensure that development should be sympathetic and maintain a sense of openness with protection of views. I consider that the Policy provides clear and appropriate guidance for development proposals which may affect green spaces, having sufficient regard to NPPF paragraph 101 which makes clear that local policy for managing development on a Local Green Space should be consistent with policy for Green Belts.
- 4.21 Policy GS2 proposes the designation of five sites as Local Green Spaces. A full description of each site and the justification for their proposed designation is set out at Appendix 1, and the sites are shown on Map GS2 (at page 19). I am satisfied that all landowners of the proposed Local Green Spaces were notified by letter in June 2019, advising them of the implications of designation as a Local Green Space and inviting their comments. I have visited each of the proposed Local Green Spaces during the course of my site visit to the Plan area. I have also considered the representations that have been made concerning this Policy, as part of

my assessment.

- 4.22 The proposed Local Green Space described as the grassland between Woolley Road and Church Road, together with the adjoining Glebe Field comprises two adjoining fields. From my site visit, it is clear that this is a valuable green space providing opportunities for informal recreation for local residents, particularly from the Senacre and Downswood areas. It is well used, and is enhanced by the presence of some ancient woodland to the west and south, and a large, veteran oak tree within the Glebe Field. I am satisfied that its designation as a Local Green Space is justified which will safeguard its amenity value during the Plan period and beyond.
- 4.23 The proposed Local Green Space at the allotments at Greenhill recognises that the allotments are well used and have an important historical value to the Parish. I observed that the allotments are well maintained and provide a valuable resource for local residents. I consider that their designation as a Local Green Space is justified against the NPPF criteria, which should enable them to be retained for the Plan period and thereafter.
- 4.24 The proposed Local Green Space at the Village Green, Otham Street is a key green space within the Otham Conservation Area and contributes significantly to the setting of the village as a whole. I observed that it is well used and maintained, and that it is clearly a focal point for informal recreation by residents, and also for more formal aspects of community life in Otham. Its designation as a Local Green Space is fully justified, and it is important that it be protected for the Plan period and for future generations in Otham.
- 4.25 The proposed Local Green Space at the Cricket Ground, Otham Hole recognises the importance of this open space as a sporting and leisure facility within the Parish. The site is occupied by the Rumwood Cricket Club, but I am clear that the space and the cricket club contribute significantly to community life within Otham. It represents a valuable asset which should be protected for its sporting and leisure purposes, and I consider that its designation as a Local Green Space reflects that importance for the Plan period and beyond.
- 4.26 The proposed Local Green Space at the Football Pitches, to the south of Honey Lane, Otham Hole, also recognises the importance of this facility for sporting and leisure use. The site is presently leased to Bearsted Football Club, which has some 20 teams playing football at the site. The football club is also an important part of community life in Otham and surrounding areas. I observed that the Football Pitches and its surrounding facilities are well maintained. The site borders the Cricket Ground to the south-east, and together these two facilities provide the major area for formal sports recreation in the Parish. I again consider that their designation as a Local Green Space is fully justified against the national policy criteria, to ensure their protection for the Plan period and thereafter.

- 4.27 I consider that the evidence (set out at Table 1 on page 21 and at Appendix 1) that supports Policy GS2 has been comprehensively prepared, fully in line with the requirements which are set out in the NPPF and PPG to support and justify the designation of Local Green Spaces. However, I do not consider that the site details set out within the Policy itself are sufficiently clear to enable future users of the Plan to fully understand the precise location of each site. Furthermore, although the sites are shown on Map GS2, I consider that an inset map of each site at a larger scale should be included alongside the site descriptions within Appendix 1, in order to enable users of the Plan to clearly identify the boundaries of each site.
- 4.28 I therefore recommend that, having regard to NPPF paragraphs 99-100 and the guidance in the PPG, that the five sites identified within the Policy should be designated as a Local Green Spaces and that the Policy (as proposed to be modified) meets the Basic Conditions. I recommend modification **PM3** to address the necessary amendments to the Policy and Appendix 1.
- 4.29 Policy GS3 relates to the proposed Local Green Space at the Bearsted Football Club site, south of Honey Lane. It seeks to protect the trees within the site as a wildlife habitat and I am satisfied that the Policy meets the Basic Conditions.
- 4.30 Policy GS4 relates to the proposed Local Green Space at the grassland (which comprises two fields) between Woolley Road and Church Road. It seeks to maintain the two fields as informal grass meadow for the amenity of local residents, for the preservation of wildlife and to protect the character of the area. To that end, the Policy seeks to resist the erection of any physical boundary between the two fields. The Policy also seeks to ensure that the veteran oak tree in the centre of The Glebe field remains protected.
- 4.31 Whilst, from my site visit, I appreciate that the erection of a physical boundary between the two fields might result in loss of amenity for users of the Local Green Space and may impact on the character of the area, permitted development rights do exist, inter alia, for the erection of fencing and gates by landowners and those existing rights could only be removed primarily by an Article 4 Direction. Similarly, the PPG cautions against placing additional restrictions or obligations on landowners⁸, which Policy GS4 seeks to apply over and above national policy in relation to Local Green Space. I have further considered the recent Court of Appeal judgement in *R on the Application of Lochailort Investments Limited v Mendip District Council*.⁹ Overall, in this instance, I do not consider that a departure from national policy and guidance has been sufficiently justified and therefore the Basic Conditions are not met. Accordingly, I recommend the deletion of the Policy, and this is addressed by modification **PM4**.

⁸ PPG Reference ID: Reference ID: 37-020-20140306.

⁹ Case Number: C1/2020/0812 (2 October 2020).

Notwithstanding this, the veteran English Oak tree is in any event covered by a Tree Preservation Order¹⁰ and, as noted in paragraph 4.20 above, this site will benefit from a level of protection that is consistent with Green Belt and Policy GS1.

- 4.32 Policy GS5 relates to the ancient woodland, veteran trees and other trees of significant amenity value within the Plan area. It seeks to provide a zone of protection of 15 metres around each area of ancient woodland to be retained as open space and remain undeveloped. It also seeks to apply the same criteria of ancient woodland to the historic parkland of Gore Court (which is described in full at Appendix 4 to the Plan). In this context it might be noted that there is no process for the statutory designation of ancient woodland, albeit ancient woods are recognised in national planning policy (as stated in paragraph 5.1 of the Plan). I have given careful consideration to this Policy, noting that there have been no representations raised against any aspect of the Policy and that Kent County Council support this Policy. I am satisfied that the Policy has been appropriately drafted.
- 4.33 Policy GS6 states that proposals from landowners to 'set aside' land for new, native woodland to generate carbon revenue will be supported. This Policy is firmly in line with national policy objectives, but I consider that a minor amendment is necessary to the text of the Policy to recognise that the planting of new woodland will assist in carbon reduction (rather than generating carbon revenue). This amendment is addressed by recommended modification **PM5**.
- 4.34 With recommended modifications PM3-PM5, I consider that the draft Plan's policies for enhancing green space and biodiversity value are in general conformity with the strategic policies of the MBLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Anti-Coalescence

- 4.35 Section 6 of the draft Plan is entitled Anti-coalescence and seeks to ensure that further developments within the Plan area that are not already identified within the adopted MBLP do not result in the coalescence of the village of Otham with the urban parts of Maidstone at Downswood, Bearsted, Senacre and Parkwood (to the north and west) or with the villages of Leeds and Langley (to the east and south-east). This section contains one Policy (Policy AC1), with an accompanying map (Map 6.1), to address this issue.
- 4.36 Policy AC1 states that "housing development will be supported if it does not result in the coalescence of the village of Otham with urban Maidstone or other villages". It goes on to refer to the parcels of land identified as having high or moderate anti-coalescence which are identified on Map 6.1,

¹⁰ Appendix 1, page 34 of the Plan.

entitled "An assessment of the relative anti-coalescence function of land parcels", and states that "any development which results in a significant adverse impact on maintaining its anti-coalescence function will not be supported".

- 4.37 As part of my initial assessment of the Plan, its supporting documents and the Regulation 16 representations, I identified some issues concerning this Policy and Map 6.1 as one of the preliminary questions that I raised with the Parish Council (see paragraph 2.5 above). In particular, I sought further information on the evidence sources and technical assessment that have led to the categorisation of land parcels as having high or moderate anti-coalescence value.
- 4.38 The Steering Group's response indicated that, at the Regulation 14 consultation stage, the draft Plan then included two anti-coalescence policies which sought to give protection to just one parcel of land (now referred to as Parcel B on Map 6.1). Amongst the representations received at that stage, concern was expressed that the anti-coalescence policies were not based upon an evidence base or an evaluation of their relative performance in preventing coalescence.
- 4.39 The Steering Group sought to address this deficiency by undertaking a desk-based assessment of all the undeveloped parcels of land in Otham. Criteria were adopted as part of this assessment that any single parcel of land, such as a field, separating a residential part of Otham village from urban Maidstone or another village made it of "high anti-coalescence value" or, where two adjacent parcels of land existed to separate the settlements, that land was of "moderate anti-coalescence value". This assessment increased the number of parcels of land potentially to be embraced by an anti-coalescence policy, such that three parcels were considered to be of high anti-coalescence value, and six parcels were considered to be of moderate anti-coalescence value.
- 4.40 The effect of the desk-based assessment was to substantially increase the extent of land around the village of Otham to be covered by Policy AC1 in the submitted Plan and its site-specific designations on Map 1.
- 4.41 I have given the most careful consideration to the purpose of the Policy and its implications. Notwithstanding the fact that the text of the Policy is inconsistent in referring in the first clause specifically to "housing development and in the second clause to "any development", I consider that the Policy has become strategic in nature since the Regulation 14 consultation stage, by virtue of the extent of land in the Parish now covered by the Policy. The Borough Council has raised strong representations to the Policy stating that it is not in general conformity with strategic policies SS1(9), SP17, SP17(6) and H1(8) in the adopted MBLP and that certain parcels of land identified on Map 6.1 overlap with some other policy designations.

- 4.42 In my assessment, the Policy and Map 6.1 are not in general conformity with the relevant policies in the adopted MBLP, and this part of the Plan requires substantial modification if it is to satisfy the Basic Conditions. However, I do recognise that land surrounding the village of Otham is at potential risk from developments which could not only reduce the extent of countryside around the village but also have some significant adverse impacts upon the character of the village itself, such as views both in and out of the historically important Conservation Area and which are reflected by other policies in the Plan, such as Policy HC2.
- 4.43 I consider that Section 6 of the Plan and Policy AC1 should therefore address the protection of the countryside around the village of Otham in more generic terms, and not solely for the purpose of preventing settlement coalescence as presently stated. Whilst I acknowledge that the threat of coalescence is undoubtedly a major issue for the Otham community, as demonstrated by community engagement work during the preparation of the Plan and a number of the Regulation 16 representations that I have considered, I am not satisfied that the evidence and assessment underpinning Policy AC1 and Map 6.1 has been sufficiently robust or objective to support the Policy and its potential implications. I therefore recommend, as part of the modifications required to Section 6, that Map 6.1 be deleted from the Plan. Furthermore, I consider that Section 6 should be re-titled "Protecting the Countryside" and that the revised Policy to address this matter should be numbered as Policy PC1 to reflect its revised purpose and application to the Plan area as a whole. As revised, I consider that Section 6 and Policy PC1 will be in general conformity with the strategic policies of the adopted MBLP, notably with Policy SP17. Recommended modification **PM6** encompasses the necessary amendments to Section 6 of the Plan.
- 4.44 With the revisions to the Plan encompassed by recommended modification PM6, I consider that the draft Plan's Policy for Anti-Coalescence (to be re-titled Protecting the Countryside) is in general conformity with the strategic policies of the MBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Promoting Active and Sustainable Travel

- 4.45 Section 7 of the draft Plan addresses policy initiatives to promote and support active and sustainable travel throughout the Plan area, particularly by walking, cycling and, where possible, by public transport. The section contains five policies (Policies ST1-ST5) to cover this theme.
- 4.46 Policy ST1 states that, in association with the Borough and County Councils, the Parish Council will seek to develop a Parish-wide cycle and footway strategy, providing safer routes and junctions and improved connectivity to local facilities. This accords with the objectives of the Plan (as referenced at paragraphs 3.1-3.4 of the Plan).

- 4.47 Policy ST2 states that public rights of way across the Parish and linking with the surrounding countryside will be retained. It goes on to state that improvements to the quality and maintenance of the routes will be sought where they provide commuting routes or access to local schools, retail and medical facilities or to bus stops.
- 4.48 Policy ST3 states that all developments should include proposals which enhance the attractiveness of walking and cycling.
- 4.49 Policy ST4 specifically addresses the future maintenance and improvement of Footpath No. KM94. Upon my initial assessment of the Plan, I considered that the Policy is not a land use planning policy but is instead a community objective.
- 4.50 Policy ST5 states that, subject to other considerations within the Plan, development adjacent to public footpaths should not affect their amenity as a leisure facility, harm the views of the North Downs or have an adverse impact on the Heritage Walks in the Plan area, which are defined on Map GS2 and described in full at Appendix 3 to the Plan.
- 4.51 As drafted, there is some significant overlap between Policies ST1, ST2 and ST3, whilst Policy ST4 does not constitute a land use planning policy. I raised these issues as part of my preliminary questions to the Parish Council on 22 December 2020 (see paragraph 2.5 above). As part of the their response to those questions on 3 January 2021, the Steering Group agreed that Policy ST4 is a community objective and should be deleted, that Policies ST1-ST3 be consolidated into two policies (to be numbered Policies ST1 and ST2) and that Policy ST5 would be re-numbered as Policy ST3. Draft text was provided for my consideration for new Policies ST1 and ST2.
- 4.52 I have considered and assessed the Steering Group's response to my preliminary questions, and I am satisfied that the revised policies together with the deletion of Policy ST4, will provide clearer and more succinct policy guidance for future users of the Plan on the theme of promoting active and sustainable travel. I therefore recommend modification **PM7** to encompass the revisions and amendments, as put forward by the Steering Group, to Policies ST1-ST5, with some further amendments to new Policy ST3 to align with other recommended modifications to the Plan.
- 4.53 With the recommended modification PM7, I consider that the draft Plan's policies for Promoting Active and Sustainable Travel are in general conformity with the strategic policies of the MBLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Managing the Built Environment

- 4.54 Section 8 of the draft Plan addresses the built environment and its impacts within the Plan area. The section contains four policies (Policies

BE1-BE4) to cover this theme. These policies have been drafted in the context of the prospective level of development that will take place within the Parish during the next 10-15 years, potentially adding approximately 1,000 new dwellings to the housing stock of the Plan area.

- 4.55 Policy BE1 (Development Proposals) applies to all potential development proposals requiring planning permission within the Plan area. It states that proposals will be supported where they satisfy four criteria concerning siting, the avoidance of harm to landscape features and heritage assets, the retention of hedgerows and the retention of active uses such as agricultural industry. I consider that the Policy requires a minor amendment to fully reflect the national policy set out in NPPF paragraphs 195-197, and a further criterion to reflect the advice provided by the Environment Agency. These matters are addressed by recommended modification **PM8**.
- 4.56 Policy BE2 (Building Design) sets out five building design criteria which development proposals should seek to meet. They cover the use of local materials, the creation of good quality internal and external environments, the siting and orientation of buildings to maximise the potential for solar gain, the relationship of buildings to surrounding public, private and shared spaces and the encouragement of new building technologies such as low carbon heating and energy efficiency measures. I also consider that this Policy provides clear and appropriate design guidance, in line with both national and Local Plan policies.
- 4.57 Policy BE3 (Encouraging Sustainable Development) contains three principal clauses concerning the promotion and encouragement of sustainable development measures in proposed new developments. These cover measures to minimise the use of energy and the amount of waste produced, measures to promote recycling, water efficiency and the use of renewable energy systems and the creation of enhanced ecosystems. Again, I consider that the Policy is appropriately drafted and provides clear guidance to encourage sustainable development.
- 4.58 Policy BE4 (Lighting) concerns the provision of lighting for new housing developments, recreation and leisure facilities and highways purposes. It seeks to minimise light pollution, energy usage and the visual impact of lighting upon the character of the area. One minor amendment is necessary to the Policy text for accuracy, and recommended modification **PM9** addresses that point.
- 4.59 With the recommended modifications to Policies BE1 and BE4, I consider that the draft Plan's section on Managing the Built Environment and its accompanying policies (BE1-BE4) is in general conformity with the strategic policies of the MBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Community and Leisure

- 4.60 Section 9 of the draft Plan is concerned with the community and leisure facilities in the Plan area and contains one Policy (Policy CL1). This section of the Plan addresses the existing provision of such facilities, but also considers the need for a new, larger, multi-use village hall to cater for a wider range of social and leisure activities. Paragraph 9.3 describes that a survey of community need for a new village hall is underway to determine the necessity for a new village hall and to identify a suitable location in the Parish.
- 4.61 As drafted, Policy CL1 does not constitute a land use planning policy, in that it is contingent upon the above-mentioned survey, the results of which are unknown. The Policy is therefore presently drafted as an aim or objective.
- 4.62 I identified this issue as one of the preliminary questions that I raised with the Parish Council (see paragraph 2.5 above). The Steering Group's response stated that a financial contribution had been made to the Borough Council in 2018 by the developer of the housing site at Bicknor Wood (Local Plan site allocation ref. H1(7)) towards such a survey, but that (as of January 2021) the survey had not been commissioned.
- 4.63 In my assessment, Policy CL1, if it is to be justified, cannot be contingent upon a survey that has not taken place, and with no clear prospect that it will be undertaken in the immediate future. Therefore, I have given careful consideration to the outcomes of the public consultation and engagement work that was undertaken during the Plan's preparation, in order to determine the support for a new village hall. Commencing with the community questionnaire distributed in May 2015 through to the Regulation 16 consultation undertaken in October/November 2020, it is evident that there has been a clearly expressed need for a new, larger village hall in the Parish, although some responses have expressed concerns over potential future traffic generation, the possible loss of a green space and the relative proximity of other Community Centres at Senacre and Downswood.
- 4.64 Overall, I am satisfied that Policy CL1 can be justified based upon the consultation and engagement work undertaken during the preparation of the Plan. However, the text of the Policy does require amendment to ensure that it contains the necessary development management criteria to ensure that, should a site be identified in the Plan area, a new village hall can be developed satisfactorily. Accordingly, I recommend modification **PM10** to address these necessary amendments.
- 4.65 With the recommended modification to Policy CL1, I consider that the draft Plan's section on Community and Leisure is in general conformity with the strategic policies of the MBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Other Matters

- 4.66 There is the likelihood that there will be a need to formally review the Plan during the Plan period, particularly following the potential adoption of the emerging Maidstone Borough Local Plan Review 2022-2037, which is presently timetabled to occur in October 2022. The Plan as drafted does not contain a statement regarding a potential future review during the period up to 2035 to take account of the Local Plan Review, and I consider this to be an omission. I therefore recommend modification **PM11** to add a further paragraph to Section 1 of the Plan in order to address this point.

Concluding Remarks

- 4.67 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Otham Parish Neighbourhood Plan 2020-2035 meets the Basic Conditions for neighbourhood plans. As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc.

5. Conclusions

Summary

- 5.1 The Otham Parish Neighbourhood Plan 2020-2035 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Steering Group's responses to my preliminary questions.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Otham Parish Neighbourhood Plan 2020-2035, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Area.

Overview

- 5.4 It is clear that the Otham Parish Neighbourhood Plan is the product of much hard work undertaken since 2015 by the Parish Council, its Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Otham community for the future planning of their Parish up to 2035. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Maidstone Borough Council.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages 11 and 40	<p><u>Policy HC1</u></p> <p>Add the following text after the existing Policy text:</p> <p>"1 and 2 as set out in Appendix 3".</p> <p><u>Appendix 3</u></p> <p>Re-title to read "Heritage Trails" (with a corresponding amendment to the Contents page).</p>
PM2	Pages 11-18	<p><u>Policy HC2</u></p> <p>Amend Policy text to read:</p> <p>"Protection of views:</p> <ul style="list-style-type: none"> • Development proposals must give consideration to the identified short-range and long-range views across the countryside and the village. These views are shown on the accompanying maps (HC2 Maps 1 and 2), and views from the Otham Heritage Trails are described in Appendix 3. • Where appropriate, development proposals should seek to safeguard the identified views. Proposals which could affect views that are a part of the setting of heritage assets should be accompanied by an assessment of the contribution the views make to the significance of such assets, and the measures that have been taken to avoid or minimise any harm." <p><u>Maps 1 and 2</u></p> <p>Add a single notation panel to cover both maps, setting out details of the respective views with the accompanying photographic reference number.</p>

PM3	Pages 19, 22 and 34-38	<p><u>Policy GS2</u></p> <p>Page 19 - Map GS2 – Amend title of Map and notation panel to read “Proposed Local Green Spaces”.</p> <p>(Also shown on Map GS2, coloured lilac, is part of the Len Valley Landscape of Local Value which should be identified in the notation panel, and the correct colour needs to be shown for the Ancient Woodland notation, for accuracy).</p> <p>Page 22 – Policy GS2 – Amend site descriptions to read as follows:</p> <p>“1. Grassland situated between Woolley Road, Senacre and Church Road, Otham and The Glebe field situated to its north.</p> <p>2. Allotments, Greenhill, Otham.</p> <p>3. Village Green, Otham Street, Otham.</p> <p>4. Cricket Ground (Rumwood Cricket Club), Otham Hole.</p> <p>5. Football Pitches (Bearsted Football Club), south of Honey Lane, Otham Hole.”</p> <p>Delete final sentence of Policy text, and replace with:</p> <p>“The Local Green Spaces are shown on Map GS2 on page 19, and on detailed maps at Appendix 1 to this Plan.”</p> <p>Pages 34-38 – Appendix 1 – Add a site plan for each proposed Local Green Space, at a suitable scale to define and identify the precise site boundaries.</p> <p>Page 38 – the reference to “NPPF paragraph 97” in the final paragraph on this page should be amended to read “NPPF paragraph 100”.</p>
PM4	Page 22	<p><u>Policy GS4</u></p> <p>Delete existing Policy text in full, and re-number Policies GS5 and GS6 as GS4 and GS5 respectively.</p>

PM5	Page 22	<p><u>Policy GS6</u></p> <p>Delete the words "to generate carbon revenue" from the text of the Policy and replace with "to assist with carbon reduction".</p>
PM6	Pages 23 and 24	<p><u>Section 6 – Anti-coalescence</u></p> <p>Re-title section to "Protecting the Countryside" (with a corresponding amendment to the Contents page).</p> <p>Page 23 - Delete Map 6.1</p> <p>Page 24 – Delete all text of paragraph 6.1 that is on this page.</p> <p>Delete Policy AC1 in full, and replace with:</p> <p>"Policy PC1</p> <p>Development proposals within the countryside in the Plan area which would lead to significant adverse impacts upon the rural character and amenity of the area will not be supported. Proposals will be assessed to ensure that the character and integrity of the Otham Conservation Area, including views both from and within it, are safeguarded. Proposals will also be assessed to ensure that land and sites, including heritage and environmental assets, which are protected by other policy designations in this Plan and in the adopted Maidstone Borough Local Plan are appropriately safeguarded from the potential impacts arising from new development."</p>
PM7	Page 27	<p><u>Policies ST1 – ST5 – Promoting Active and Sustainable Travel</u></p> <p>Policy ST1 – delete existing Policy text in full and replace with:</p> <p>"Improvements to the quality, maintenance and accessibility for all users, including those with wheelchairs and pushchairs, of the existing Public Rights of Way in the Parish will be</p>

		<p>sought where they provide commuting routes or access to local schools, retail and medical facilities or to bus stops. In association with the Borough and County Councils, the Parish Council will look to develop a Parish-wide cycle and footway strategy and to provide new, safer routes between residential areas and improved connectivity to local facilities.”</p> <p>Policy ST2 - delete existing Policy text in full and replace with:</p> <p>“All developments should include proposals which enhance the attractiveness of walking and cycling, carefully considering potential desire lines of new residents for leisure purposes as well as to access local services and bus routes.”</p> <p>Policy ST3 – delete existing Policy text in full.</p> <p>Policy ST4 – delete existing Policy text in full.</p> <p>Re-number Policy ST5 as Policy ST3, and amend Policy text to read:</p> <p>“Subject to other considerations within the plan, development adjacent to public footpaths, which are shown on Map GS2, should not adversely affect their amenity as a leisure facility, cause undue harm to the views of the North Downs or have an adverse impact on the Heritage Trails identified on Map GS2 and on Maps 1 and 2 in Appendix 3.”</p>
PM8	Page 29	<p><u>Policy BE1 – Development Proposals</u></p> <p>3rd criterion – add the following text at the end of the existing text:</p> <p>“unless public benefit outweighs harm to the significance of heritage assets.”</p> <p>Add new 5th criterion to read:</p> <p>“Where required, the development takes account of the requirements contained</p>

		in the flood risk and water management strategies published by the Environment Agency."
PM9	Page 31	<u>Policy BE4 – Lighting</u> Final sentence of Policy text – delete the word "permitted" and replace with "supported" .
PM10	Page 33	<u>Policy CL1</u> Delete existing Policy text in full, and replace with: "The development of a new village hall in the Plan area will be supported, where proposals meet all of the following criteria: 1. The site provides good accessibility to the whole of the village of Otham, particularly by means of convenient walking and cycling routes, with the agreement and support of the Local Highway Authority. 2. The impact of the proposed development upon surrounding amenities can be satisfactorily mitigated through the siting and design of the building, access arrangements, car parking and landscaping. 3. The design of the building and materials should reflect the local vernacular and seek to enhance the village character, particularly in respect of views to/from the countryside and the Conservation Area."
PM11	Page 3	<u>Section 1 - Introduction</u> Add new Paragraph 1.6, as follows: "The relationship with the Local Plan is important because evolving Government policy and the continuing pressure for housing in the wider area means that the Maidstone Borough Local Plan is currently being reviewed to cover the

		<p>period 2022-2037. It is presently envisaged that the Local Plan Review will be adopted in late-2022, and the implications for the Neighbourhood Plan will then need to be considered. If necessary, the Neighbourhood Plan will be reviewed to ensure that it remains an important part of the statutory development plan for the Parish.”</p> <p>Re-number existing Paragraph 1.6 to 1.7.</p>
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