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24th June 2022

Dear Mr Spencer,

Maidstone Borough Council's Response to Inspector's Initial Questions

1. Firstly, thank you for the recent correspondence outlining initial considerations and the Inspector's Initial Questions (ED2) dated 24th May 2022.
2. It is noted that the purpose of these initial questions is to allow the Council to provide early clarification on a number of issues with the intention that this will assist in the Inspector's understanding of the Plan and its evidence base, help in the assessment of legal compliance and soundness, and aid in focusing the matters, issues and questions.
3. The Council welcomes the opportunity to provide such clarification and will seek to provide full responses to all the questions and issues raised below.

Examination Website

4. Before responding to the IIQs the council would like to confirm that in accordance with the inspector's request in the letter of the 24th May 2022 (ref: ED2) regarding need for the production of the searchable database for Regulation 19 responses that this has been completed and is now published in the examination webpages (ref: ED3).

Inspectors Initial Questions

5. In respect of the SoCG with Medway Council this has now been approved by Medway's Cabinet has and was recommended for approval by Maidstone's Planning & Infrastructure Policy Advisory Committee on the 8th June 2022. It is now due to be considered by Maidstone's Executive on 27th June 2022. The intention is forward this to you as soon as possible afterwards.
6. Set out below are the Council's responses to the IIQs proposed in the letter of the 24th May 2022 (ref: ED2).

IIQ1 Are the Draft Statements of Common Ground (SoCG) in Documents LPR1.59 & LPR1.60 the first published iterations of SoCGs during the preparation of the Maidstone Local Plan Review?

Council's response

7. The Duty to Cooperate (DtC) process started when the decision to undertake the Local Plan Review was taken, and the development of Statements of Common Ground (SoCG) is a part of that process.
8. The SoCG process started in 2019. Specifically, a report was taken to the Strategic Planning and Infrastructure Committee of the Council on 25th June 2019 (please see link below). This report explained what a SoCG is and how they are used. Attached to the committee report (Appendix A) was a draft template SoCG to be used as a basis for the SoCG.

https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM2NjY1NSUyRk1haWRzdG9uZSUyMEJvcn91Z2glMjBmB2NhbCUyMFBsYW4IMjBSZXZpZXclMjAtJTlWbHV0eSUyMHRvJTlWQ28tb3BlcmF0ZS5wZGYmYWxsPTE%3D

9. Following this the Council used the first public consultation on the Local Plan Review - Regulation 18 Scoping, Themes, and Issues Consultation (July to Sept 2019) - to refine the SoCG process. Specifically, pages 18 to 20 of that consultation document identified the cross-boundary issues for the Local Plan Review and asked a series of technical questions on this to help refine the process.
10. In 2021 the Council added to its ongoing DtC process through the development of a Duty to Cooperate Protocol. This was reported to the former Strategic Planning and Infrastructure Committee on 12th January 2021 (please see link below). This report explained what DtC work had occurred since the previous report to that committee in 2019 and outlined the Duty to Cooperate Protocol, including the SoCG.

https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTNBjTjGjTjGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3NDEyNyUyRkR1dHkIMjB0byUyMENvLW9wZXJhdGUucGRmJmFsbD0x

11. The protocol outlined that SoCG with other neighbouring authorities (planning and highways) were to be reported to the Strategic Planning and Infrastructure Committee.

SoCG for technical bodies, such as infrastructure providers were not to be reported to committee as they were more technical.

12. Members requested changes be made to the protocol at the 12th January 2021 meeting of the committee. These are laid out in the report to the same committee on 9th March 2021 alongside an update to the protocol. The relevant report for that meeting is located on the link below:

https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmRvY3VtZW50cyUyRnM3NjAyMCUyRiByYWN0aWNIJTJwUHJvY2VkdXJlJTJwUHJvdG9jb2wIMjBEedXR5JTIwdG8IMjBDb29wZXJhdGUucGRmJmFsbD0x

13. A SoCG with Tunbridge Wells Borough Council was published 9th March 2021. This was due to Tunbridge Wells Borough Council being at a more advanced stage of plan preparation than Maidstone Borough Council.
14. All other SoCG were published on the 29th October 2021 as part of the evidence base for the Regulation 19 Local Plan Review document, having been considered by the Strategic Planning and Infrastructure Committee on the 4th October 2021 (please see link below) and Full Council on 6th October 2022. This included Documents LPR1.59 & LPR1.60.

https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/your-councillors?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGbwVldGluZ3MubWFpZHN0b25lLmdvdi51ayUyRmlITGlzdERvY3VtZW50cy5hc3B4JTNGQ0lkJTNEJmUyJTJwUHJvY2VkdXJlJTNEJmUyNjZlciUzRDQmYWxsPTE%3D

15. Following the Regulation 19 Local Plan Review consultation and analysis of the consultation responses, the SoCG published as part of that consultation were updated. Final drafts were then prepared and signed. The final SoCG formed part of the formal submission and can be located in document LPR 5.5 Duty to Cooperate Statement 2022.

IIQ2 The Duty to Cooperate Statement (Document LPR5.5] at paragraph 4.3 contains a hyperlink to a separate document listing the various DtC meetings November 2017 – January 2022. Rather than rely on a hyperlink I would be grateful if the Council could submit an Examination document containing the table of DtC meetings.

Council's response

16. The Council has maintained a record of engagement under the duty to cooperate with neighbouring authorities since the commencement of the Local Plan Review. A summary of duty to cooperate engagement is available on the Council's Local Plan Review webpages. This summary document has been updated on a regular basis as discussions continued. As part of the submission documents, the Council included the Duty to Cooperate Statement March 2022 (Document LPR5.5) which includes a hyperlink to the summary mentioned above at paragraph 4.3. The summary document covered the period from adoption to January 2022. Since submission, the above summary document has been updated. The document now covers the period from adoption 2017 to May 2022. The Council has included that document with this submission in appendix 1.

IIQ3 Page 17 of the Duty to Cooperate Statement references a Memorandum of Understanding with Tonbridge and Malling Borough Council. Is this correct? If so, what status does it have and should it be submitted into the Examination?

Council's response

17. The memorandum of understanding was produced for the purpose of Tonbridge & Malling Borough Council Local Plan Examination, rather than for Maidstone Local Plan Review Examination. Therefore, Maidstone Borough Council will reference the SoCG which it initiated with that authority rather than the MoU.

IIQ4 Paragraph 5.24 of the Duty to Cooperate Statement refers to an intention to produce a coordinated action plan to deliver nutrient neutrality in the Stour catchment. Has there been any progress on preparing an action plan? Additionally, the Statement of Common Ground with the Environment Agency references that the Local Plan Review will be supported by a full nutrient neutrality review. On similar grounds the SoCG with Natural England (NE) addresses the Stour Catchment, including a need to update current calculations to reflect the latest NE March 2022 methodology. Does the Council intend to submit additional documentation on nutrient neutrality into the Examination and if so, what would be the broad timeframe for doing so?

Council's response

18. The Planning Advisory Service (PAS) facilitated a number of meetings in 2021 with key organisations with the objective of scoping out a co-ordinated action plan for dealing with nutrient neutrality across the affected catchment area. More recently, a strategic co-ordinator post has received external funding and Kent County Council are hosting this post. One of the key tasks for this new post is to produce an action plan and MBC are liaising with KCC on this matter.
19. In terms of Maidstone specifically, following comments made by Natural England on the Regulation 19 consultation, Arcadis were commissioned by the promoters of

Heathlands along with Maidstone Borough Council (MBC) as Local Planning Authority to undertake a nutrient assessment for both the Heathlands Garden Settlement and the Lenham Broad Location. At that time reliance was made on the Natural England November 2020 methodology.

20. Following release of the March 2022 methodology, MBC met with Natural England to discuss the timings of the release, and it was agreed that further work would be undertaken by MBC and the site promoters to update the nutrient work in line with the current methodology.
21. The promoters for Heathlands along with MBC have recommissioned Arcadis to undertake a review of the nutrient budgets to bring these in line with the March 2022 methodology and these will be based on the existing masterplan.
22. A new technical note will be available by 8th July 2022 and LUC will incorporate this in an Appendix to the March 2022 HRA Addendum. Natural England have been notified that they will receive an updated nutrient assessment on that date and have kindly agreed to schedule a review for the following week. This will be provided to the Inspector by mid-July.
23. The process of calculating nutrient budgets goes hand in hand with the masterplanning process. Nutrient budgets will therefore be subject to review following any changes to the masterplan and for example at detailed planning application stage.

IIQ5 Paragraph 5.36 of the Duty to Cooperate Statement appears to be incomplete?

Council's response

24. Paragraph 5.36 in document LPR 5.5 is an error that had come from a previous copy of the Duty to Cooperate Statement. It should be ignored. Separate work with the promoters on the minerals issue at Heathlands Garden Community is being developed, please see IIQ10 for further details.

IIQ6 The statement of Common Ground with National Highways refers to further work to extend forecast outputs to 2050 and identify further mitigation in order to fully test the Garden Community proposals. In respect of Lidsing, National Highways have requested additional modelling that is compatible with the Medway AIMSUM and for an initial DMRB compliant design review of the proposed M2 Junction 4 upgrade. Is there a timeframe for when additional modelling outputs are likely to be shared with National Highways, and in turn, potentially submitted into the Examination?

Council's response

25. The final version of the Extended Modelling Report from the Kent Transport Model has now been issued to National Highways. This document is therefore attached to this letter as appendix 2.
26. The report provides additional supporting evidence in respect of the Garden Communities in how it captures the travel demand associated with their full build out trajectory over the period to 2050. KCC, as Local Highway Authority, has provided further recommendations based on the modelling outputs. These identify the need for further work in identifying suitable interventions that will mitigate the impacts on the local highway network to an acceptable level.
27. As part of their response to the Reg 19 consultation National Highways requested a set of traffic modelling outputs from the Kent Transport Model as listed below:
 - Traffic Flow Volumes on inbound and outbound arms of the junction
 - Turning count flows to show the distribution of movements across each arm of the junction
 - Volume to Capacity Ratio (V/C %) on all inbound arm movements as well as circulatory movements of roundabout junctions
 - Queue lengths on both the inbound and outbound arms of the junction as well as circulatory movements of roundabout junctions.
28. Clarification was sought on the junction range required, and National Highways confirmed this by email on 04/05/2022. The list is provided below:
 - M20 J5 (including the A20/Coldharbour Lane roundabout)
 - M20 J6 (including the A229/Sandling Lane – Running Horse roundabout and the A229 Cobtree Roundabout)
 - M20 J7 (including A249/Bearsted Road roundabout)
 - M20 J8 (including A20/ Ashford Road roundabout)
 - M20 J9 (including the Trinity Road/ Rutherford Road/ Thompson Road roundabout and the A20/A28/A292 Drivers Roundabout)
 - M2 J3 (A229 Taddington Roundabout and the A229 Lord Lees Roundabout)
 - M2 J4
 - M2 J5 (including the A249/ Sittingbourne Road roundabout)
 - M2 J6
 - M2 J7

Lidsing Garden Community

29. These outputs have been extracted from the Kent Transport Model for both 2037 and 2050 forecasts scenarios and were provided to National Highways on 25th May 2022.

30. National Highways were advised on 25th March 2022 that the Kent Transport Model could provide the requested information with the exception of queue length data for the M2 junctions. National Highways' email of 4th May 2022 proposed Saturation Flows as an alternative. They have since been advised however, that the Kent Transport Model cannot provide these and an alternative of the Average Link Delay for each junction was proposed. Clarification as to whether this is acceptable remains outstanding from National Highways.
31. The AIMSUN model platform has the capability to provide the output results for the M2 J3 and J4. C&A, as the consultant appointed by the promoter of the Lidsing Garden Community, has sourced the licence for the AIMSUN model from Medway Council to undertake model scenarios in relation to assessing the LP impact on the Medway network. Due to the model calibration only M2 J3 and J4 will be subject to a detailed level of assessment and therefore Queue length data for J5, J6 and J7 remains outstanding.
32. It is expected that once National Highways have undertaken an analysis of the above listed outputs, a refined junction list for more detailed junction modelling will be produced. KCC, is supportive of this, as it will enhance the evidence base on how traffic flows will be affected at the interface between the SRN and LRN. It is expected that this work will be undertaken between July and August 2022, subject to National Highways confirming their requirements.
33. C&A have now commenced the AIMSUN model runs and are working to the below programme:

Stage 1 – Interim Core Modelling including Updated 2037 Do-Minimum (to include additional committed development in Medway since the core model was last run) and 2037 Core Scenario (unmitigated). Completion by 24th May 2022.

Stage 2 – Interim SRN Assessment – capacity analysis and preliminary design solutions for M2 Junctions 3 and 4 (including the outputs requested by NH as detailed above). Based on 2037 Core Scenario (unmitigated) – therefore further development stages will be applicable based on outcomes. Completion by 1st July 2022.

Stage 3 – Transport Assessment Package To include: an updated '*Design Optioneering*' report for the SRN access 2037 With-Development Core Scenario (Mitigated) modelling exercise. End of July/Beginning August
34. In relation to undertaking a DMRB design compliant review, C&A had initial discussions with National Highways on 18/05/2022 and are awaiting a meeting with the Structures Team to confirm the requirements and timeframe for delivery going forward.

35. Based on the timelines identified above and to allow National Highways and KCC sufficient time to review and comment it is likely to be early September before these outputs will be available to submit into the examination.

Heathlands

36. Vectos have been progressing their review of the Stage 2 modelling undertaken by KCC which was received by Vectos in late May. The following matters have subsequently discussed, and key assumptions agreed;
- i. **Quantum of development associated with Heathlands assessed in 2037 and 2050:** Phasing is still being discussed between parties but no material changes to assumptions based on current phasing expected.
 - ii. **Assumptions regarding internalisation and public transport use: KCC & Vectos** agreed the basis for percentage of internalisation and public transport use. KCC confirmed that additional detail on how these have been calculated will be included within a revised report as the percentage is currently based on Lidsing. The potential for sensitivity testing using these more ambitious modal split figures to understand the implications of this was discussed. KCC confirmed a case would have to be made for re-running the model.
 - iii. **Heathlands external vehicle trips:** KCC have been asked to provide Vectos with clarification on the number of external vehicle trips that Jacobs have calculated would be generated by Heathlands in the AM and PM peaks.
 - iv. **Previous A20 Ashford Road modelling work:** KCC confirmed that this had been undertaken by Jacobs and further detail of this will be included in a revised report.
 - v. **Committed Infrastructure Schemes:** A list of committed schemes is provided at Appendix A of the Jacobs report. It is expected that funding of certain schemes may be required. Vectod are awaiting clarification from KCC on assumptions that the following schemes will require funding;
 - a. **4-** A20 Ashford Road highways improvements
 - b. **10-** Capacity improvements at A20 Ashford Road junction with Willington Street
37. Vectos are clear that that funding of the above schemes (once confirmed) would not negate the need for local junction assessments to be undertaken within the Transport Assessment (required for planning applications) and the potential for local mitigation

measures not listed as committed schemes. KCC were in agreement to this. This work will be provided in mid-July 2022.

IIQ7 The Statements of Common Ground with Natural England and Kent Downs AONB Unit refer to further work regarding landscape mitigation for Lidsing and Heathlands2 and possible proposed main modifications. Can the Council please provide a brief update on any post-submission engagement / dialogue with Natural England and Kent Downs AONB Unit and likely timeframe for further evidence base work? Are there likely to be further main modifications related to the AONB to those already presented in LPRSUB011?

Council's response

38. The Council is proposing to update the respective SoCG documents with Natural England and the AONB Unit to reflect the latest position with regards to the post-submission discussions with these bodies. These updates, plus the further evidence base work is to be provided by mid-July 2022
39. In regard to the need for further main modifications in addition to those outlined in LPRSUB0110 relating to the AONB; the Council has not identified any more at this stage, but will keep this under review.
40. For the Heathlands garden community proposal there has been a slight delay as the consultants that the promoter was proposing to use were concerned about conflict of interest after a series pre-commissioning discussions. The AONB Unit have been advised of this and the promoters have now commissioned the consultancy Hankinson Duckett Associates to respond to and recommend mitigations for the concerns expressed by the AONB Unit and Natural England at Regulation 19. The new consultants will be visiting the site on 24th June and will undertake early engagements with the AONB Unit and Natural England. The promoter will provide an update on the work and a detailed timescale for completion for submission to the inspector by the middle of July – the promoter has expressed to the consultant the urgency in completing this piece of work early and ensuring that the AONB Unit and Natural England are fully engaged.

IIQ8 In addition to the further work referenced in IQ4, IQ6 and IQ7 above, and having regard to the Council's response to representations in the Regulation 22 Statement, I would be grateful if the Council can outline what additional work it is currently undertaking and/or likely to wish to submit into the examination on the delivery of the spatial strategy and in particular the proposed Garden Settlements? If so, what is the anticipated timeframe for submission into the examination?

Council's response

41. Please find set out below the additional work that the Council would wish to be submitted into the examination.

Lidsing Garden Community

42. In addition to the work previously submitted at Regulation 22 it is intended to submit the following work to the inspector (appendix 6 & 7):
- Scoping Note for Highway Modelling – Lidsing Garden Village – 19-062-007 (April 2022)
 - Inputs to Strategic Modelling – Lidsing Garden Village – 19-062-005 Rev A (July 2021)
43. Outstanding work that is currently being undertaken, includes:
- Lidsing Landscape Capacity Study
 - Lidsing M2 junction 4 landscape mitigations
 - Lidsing key Kent Downs AONB views
 - Lidsing M2 junction 4 earthworks plan
 - Stewardship and governance update for Lidsing
44. The Council intends to submit this work by mid-July 2022.

Heathlands Garden Community

45. It is intended to submit the following:
- Stewardship and governance update for Heathlands
 - Revised nutrient budgets and updated HRA Addendum
 - Heathlands employment land strategy position statement (see below)
 - Heathlands Railway Station Feasibility work to date (see below)
 - Landscape: Heathlands response update/position statement
 - Update to highways stage 2 modelling for Heathlands
 - Draft SoCG between MBC and KCC regarding minerals.
Minerals Assessment for Heathlands Garden Community
46. The Council intends to submit this work by mid-July 2022.

1. Heathlands Railway Station options development

47. The promoters commissioned the services of JRC (Rail Consultants) to explore the various options of how a rail based sustainable transport strategy could be provided for Heathlands. JRC produced a comprehensive draft report in the summer of 2021, that set out a number of possible options as follows;
- Improve (1a) or Move (1b) Lenham station, with no new station for Heathlands.
 - An Intermediate Parkway station between Lenham and Heathlands, with Lenham station closing.
 - A new station at Heathlands, with Lenham station closing, with some improvements to Harrietsham station (west)

- A new station at Heathlands, with Lenham station being retained and improved.
48. This report was shared with Network rail who agreed that these four options should ultimately be explored in the Strategic Outline Business Case (SOBC), and this was evidenced between the letter exchange between the promoters and Network Rail.
49. The promoters have commissioned JRC for further preliminary work over the course of 2022, and this will be wrapped up in a further interim report that will be provided in draft, in mid-July. In particular, this report will build on previous work and provide more technical evidence to support arguably the two strongest / most likely options, being 1 & 4. The report will also provide further scoping information about the SOBC and the timeline for its completion. Furthermore, it will also set out an overall indicative timeline and milestones for a final decision being made by all the key stakeholders, most notably Network Rail and Department for Transport.
50. The SOBC is a complex and lengthy exercise that will be commenced in the autumn of this year, on the basis that Heathlands is well received in the Examination In Public (EiP). Furthermore, the SOBC is best commenced once more time has passed since the pandemic, to allow for travel and in particular rail usage patterns to stabilise and reach their new equilibrium.
51. For the purposes of the EiP, the JRC work will help to provide a greater degree of confidence that there are different solutions that would support Heathlands. Furthermore, the report will be the basis of putting in place a signed statement of common ground ahead of the EiP, with the signatories being the LPA, the promoters and Network Rail.

2. Employment Land Strategy for Heathlands

52. The promoters are close to appointing an advisory firm to undertake a further report on the employment "offer" at Heathlands. This commission will review and refresh the technical employment work undertaken by SQW that established the likely job creation and land requirement calculations for Heathlands.
53. It will then go on to assess and evidence different employment sector demand for the employment land available at Heathlands, and this will draw on market evidence of real demand from Locate in Kent, on a regional, national and international level. This evidence will be short to medium term in terms of demand, and ultimately Heathlands is a longer-term proposition, so it is important that flexibility is retained as it is inevitable that the employment property sector will evolve further between now and Heathlands starting to deliver.

54. Finally the report will focus upon a delivery strategy for the land allocated for employment, and this will draw on case studies for other mixed employment sites elsewhere and also the role the promoter intends to play at Heathlands, as the it has the right of first refusal to acquire the employment land, and will intend to take a proactive position, developing new commercial space that it will make available for long term lettings.

Invicta Barracks

55. The Council intends to submit the following with regards to the Invicta Barracks by mid-July 2022:
- A Statement of Common Ground between the Council and the Defence Infrastructure Organisation (the site promoter)
 - A Draft Community Engagement Framework
56. By the beginning of September 2022 the Council expects to submit the following:
- Statement of Intent between the DIO and Annington Homes
 - A potential Statement of Common Ground/MoU between Annington Homes and the Council

Leeds Langley Corridor

57. The Council intends to submit the following with regards to the Leeds Langley Corridor; including:
- Leeds Langley Corridor Topic Paper
58. The Council intends to submit this work by mid-July 2022.
59. In addition, the Council will have draft SoCG between themselves and the major site owners in the corridor by the beginning of September 2022.

Transport

60. The Council has appended the following transport evidence to this letter (Appendix 2 & 3 respectively):
- Extended Forecast Modelling (June 2022)
 - Maidstone HRA Air Quality Technical Note (May 2022)
61. Outstanding work that is currently being undertaken, includes:
- Detailed Junction Modelling Scenarios for SRN/LRN interface – technical note
 - Junction modelling on key corridors for each strategic site
 - Heathlands:
 - A20 Package of Mitigations
 - Lidsing:
 - Interim Core Modelling (AIMSUM) 2037 Unmitigated,

- Interim SRN Assessment,
- M2 J4 Design Optioneering Assessment and 2037 Mitigated
- Invicta Barracks:
 - A229 Package of Mitigations
- Maidstone HRA Air Quality Technical Note – Boxley Road Speed Reduction Scenario

62. The timeframe for the submission of the additional material is early September 2022.

Statements of Common Ground

63. The Medway SoCG is to be presented to Maidstone’s Executive on the 27th June 2022 and forwarded to the inspector as soon as possible afterwards.

Other

- Formal working arrangements for delivering strategic sites - terms of reference
64. These come in two forms (technical and political/key stakeholder). The technical will be available by mid-July, and the political/key stakeholder for the hearings.
- A new appendix to the Local Plan Review of saved policies from the Maidstone Local Plan 2017
65. This is to be provided in mid-July 2022.

IIQ9 References are made in Regulation 19 representations to the Council’s ‘Landscape Capacity Study’, which in turn is referred to in the Sustainability Appraisal Report. Is the Landscape Capacity Study still relevant and should it be submitted into the Examination?

Council’s response

66. The Council wishes for the Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015 to be submitted into the Local Plan Review Examination and would be grateful for confirmation from the inspector that this is appropriate. The document has been provided as appendix 4.

IIQ10 Minerals safeguarding is an issue at Heathlands, with implications for delivery/ phasing. Is there a realistic prospect of a specific Statement of Common Ground with the Minerals Planning Authority to ensure that this matter is appropriately planned for?

Council’s response

67. RSK Engineering and Environmental Consultancy, the firm that undertook the initial Heathlands minerals assessment in 2019, have been commissioned to refresh their

original report to fully take account of the latest masterplan. This will provide further confidence that the proposed Heathlands housing trajectory is achievable in the context of the periods required for phased mineral extraction at both sites. In addition, it will set out the necessary remediation, design and implementation to provide suitable development platforms. This may include some potential back-filling for the purposes of development enablement, which will be subject to consent from the Minerals and Waste Authority at the appropriate time. This report will be issued to the Inspector in mid-July, and again it will be drafted with reference to the minerals operator to ensure it is fully commercially credible

68. MBC are pursuing a specific SoCG with Kent County Council to address minerals matters. The outcomes of the evidence provided by the promoters will feed into the statement of common ground. We will provide the statement of common ground, even if in draft form, by mid-July.

IIIQ11 Various representations on Lidsing make reference to sites (and appeal decisions) at 'Gibraltar Farm' and 'East Hill' in Medway. To be clear, I am not re-examining what has happened in Medway but it would be helpful that I understand the relationship of these sites to the proposed MLPR allocation. From the various technical documents in support of Lidsing I am reasonably clear on the Gibraltar Farm site but can I nonetheless request that the Council submits a map into the Examination showing these two sites (where they have been successful on appeal?) in relation to the Lidsing Garden Settlement site.

Council's response

69. A response has been provided from the Lidsing Garden Community site promoter and this is attached in appendix 5 to this letter.

IIQ12 Having regard to the Inspectorate's Procedure Guidance on Local Plan Examinations (paragraph 3.20), I would encourage the Council to pursue further statements of common ground, including:

(i) DiO regarding availability and delivery of the Invicta Barracks site; and

(ii) Kent Downs AONB Unit & Natural England on residual areas of agreement / disagreement regarding impacts of the proposed Garden Settlements on the Kent Downs AONB following additional dialogue and evidence.

Council's response

70. (i) Maidstone Borough Council (MBC) are working with the Defence Infrastructure Organisation (DIO) to draft a Statement of Common Ground (SoCG) for the Invicta Barracks Strategic Development Location site (policy LPRSP5(B)). The draft SoCG will cover matters including land ownership; site description; site availability and delivery;

indicative phasing and trajectory; infrastructure requirements; production of a future SPD; agreed matters; framework for continued joint working; and a high-level key diagram. Work will continue on the SOCG to ensure it is agreed and signed by relevant parties ahead of the examination hearings. This will be the first SoCG between the two parties.

71. It is brought to the Inspector's attention that the above SoCG is between MBC and the DIO only. There are, however, smaller parcels of land within the proposed Invicta Barracks site currently leased from the DIO by Annington Homes. This SoCG does not include Annington Homes. Whilst the land leased by Annington Homes is not required to accommodate the approximately 1,300 new homes, it has been identified as the potential location of any proposed education facilities, should they be proven to be necessary to mitigate the cumulative impacts of development in the wider area in future years.
72. Confirmation of whether the education facility is indeed required will be the subject of further engagement with Kent County Council (the education authority), as work on the masterplan and SPD progresses. Whatever the outcome of that engagement and determination of future need, the Council wishes to see the cohesive, comprehensive and holistic delivery of the whole site, with all parties working together to achieve this.
73. It is therefore the intention of the DIO and Annington Homes to agree a Statement of Intent to demonstrate the willingness of the parties to work together, alongside MBC to deliver the site holistically, in line with policy LPRSP5(B) and the future SPD requirements. Discussions between the DIO and Annington Homes is ongoing at the time of submission of this IIQ response, but it is intended that the signed Statement is produced in time for the hearings.
74. Separate to the forthcoming Statement of Intent between the DIO and Annington Homes, MBC will continue its discussions with Annington Homes and will seek to enter into a separate SoCG/MoU with Annington Homes on the basis of the above position.
75. (ii) The Council already has separate SoCG with Natural England and the Kent Downs AONB Unit that are in evidence base document LPR 5.5. The separate SoCG with Natural England and the AONB Unit will be updated following the provision of additional material as per the answer to IIQ7 in mid-July 2022.
76. Could the Inspector please confirm to the council whether the above approach is acceptable or whether he would prefer to see a new independent tripartite SoCG between Natural England, the AONB Unit and Maidstone Borough Council?

IIQ13 Has there been further engagement with Natural England since the meeting on 21 March 2022 to obtain their feedback or comments on the HRA addendum,

including the proposed approach/strategy to mitigation for North Downs Woodland SAC and air pollution?

Council's response

77. Yes, a Statement of Common Ground (SoCG) has been signed by Susan Beale, Nature Recovery and Partnership Manager from Natural England.
78. In the SoCG the HRA Addendum (published March 2022) has been highlighted providing an update on the transport modelling which will set out further information regarding the levels of pollution arising from development in the Local Plan.
79. Importantly, the revised transport modelling has reduced overall plan numbers and has removed a large development site which had at that time been the subject of a planning application within close proximity to the SAC. This removed site was not included in the plan and has subsequently been refused by the planning authority. Additionally, the modelling has updated a number of assumptions used in the original modelling. The revised outputs have allowed for the air quality modelling to be revised and this work is currently ongoing.
80. The outputs from the additional modelling (as referred to in IIQ 6) are yet to be shared with Natural England, this will provide additional information to Natural England in conjunction with the HRA Addendum, in order that they can consider the impact on the North Downs Woodland SAC in greater detail and determine if the strategy is sufficient to address air pollution arising from relevant developments. This work will be shared with Natural England for review and any feedback received will result in an update to the SoCG.
81. Where there is disagreement, each organisation will seek to discuss the issue with the other, to see whether proposals can be modified to secure agreement. Any changes will be noted within this or subsequent Statements of Common Ground.
82. Internal sign-off will be subject to governance arrangements within each individual party.
83. This Statement of Common Ground will be updated on a regular basis, in the meantime agreement has been reached on the following per the matters:

Statement of Common Ground

84. Maidstone Borough Council and Natural England agree that, at the time of drafting this SoCG:

- MBC has commissioned further work to review and refine the analysis and strategy to mitigate air pollution in relation to the North Downs Woodland SAC.
 - In developing a strategy to address air pollution, MBC commit to working with Natural England to ensure that mitigation adequately addresses any air pollution impacts arising from development in the Local Plan Review.
85. Currently there is disagreement between MBC and NE on the approach and timing of consideration of the Lower Thames Crossing. MBC are seeking to collaboratively resolve this matter with NE and in doing so are actively seeking a further meeting subject to the signed SoCG.

IIQ14 Has there been any progress on re-running the nutrient assessment calculations? Is there a timeframe for doing this?

Council's response

86. Please see answer to IIQ 4.

IIQ15 Does the HRA addendum work indicate a need for further modifications to the plan not already presented in LPRSUB011?

Council's response

87. Yes, in January 2022, updates were made to the Maidstone Local Transport Model to incorporate changes to the planned developments and one of which was the removal of a site known as Binbury Park (see IIQ 13 above). The air quality assessment is currently underway to test the impacts of these changes and other mitigations being considered. This work will be shared with Natural England for review and any feedback received will result in an update to the SoCG.
88. Feasibility mitigation measures that are currently being considered to reduce the air quality impacts of the planned developments in Maidstone to the North Downs Woodland SAC are as follows:
- Removal of Binbury Park
 - Speed Management along Boxley Road
 - Likely increased take-up of Electric Vehicle
 - Boxley Road low or zero emission zone
 - Review of Plans and Policies

89. It should be noted that the first two listed mitigations are currently being analysed and based on these outcomes further work and model testing may still be required in order to satisfy the threshold levels.

90. Although the air quality modelling is yet to be completed, it is believed that the combination of the measures will reduce the nitrogen emissions and associated nitrogen deposition on the area of the North Downs Woodland SAC.

IIQ16 Can it be confirmed that likely significant effects on the Swale SPA and Ramsar were screened out in relation to both water quality and quantity (para 4.81 of the Sept 2021 HRA says this, but Table 4.5 of same document says water quantity only)?

Council's response

91. Table 4.5 is incorrect and should read 'Screened out' in relation to water quality/quantity at The Swale. The wording of paragraphs 4.78-4.81 is correct. The text saying 'Potential LSE, water quantity only' is a hangover from a previous version of the HRA, in which we had not yet ruled out the potential for significant effects at The Swale.

IIQ17 Is it the Council's intention to 'save' the policies relating to site allocations 'not complete' and keep those saved policies as part of the development plan as remaining parts of the 2017 Local Plan? If so, a main modification would be needed to insert an Appendix to the LPR clearly identifying the 'saved' site allocation policies. Alternatively, is it the Council's intention to embed the residual 2017 Local Plan site allocation policy content into the final version of an adopted LPR document? This approach would create a series of main modifications. The Council's early clarification on this would be appreciated.

Council's response

92. It is the Council's intention to retain policies from the adopted 2017 Maidstone Borough Local Plan 'LP17', this includes numerous allocation policies where these have either i) not started or ii) is partially complete. This is best accomplished through the insertion of an appendix to the submission LPR; constituting a proposed Main Modification. The Council will provide this for mid-July.

IIQ18 The Housing Strategy Topic Paper (LPR1.22) is dated June 2020 but references a December 2021 SHMA. The Paper appears to pre-date First Homes and omits references to Section 124 of the Housing and Planning Act 2016 in terms of assessing and planning for the needs of those households who do not want conventional bricks and mortar accommodation –houseboats, culturally appropriate accommodation for those who do not meet the planning definition of Gypsies and Travellers and other caravan/park home needs. The 2021 Annual Monitoring Report

says at para 4.11 that the Housing Topic Paper 2021 sets out the methodology used to calculate the windfall allowance. This does not appear to the case, unless there is a separate Topic Paper? In advance of the Stage 1 hearings I would request that the Council updates the Housing Strategy Topic Paper to ensure a version that aligns with plan submission date and briefly addresses the implications of First Homes and to what extent there are needs for non-bricks and mortar accommodation (will non-planning Gypsy and Traveller need be addressed through the separate DPD?). I would like to see a refreshed Housing Topic Paper produced by the time I issue Stage 1 MIQs in early July.

Council's response

93. The Housing Strategy Topic Paper is being refreshed in accordance with the Inspector's initial question IIQ18, as set out above. The refreshed Topic Paper will be produced by early July and will include:
- A new date of March 2022 aligned to the submission of the LPR;
 - Reference to Section 124 of the Housing and Planning Act 2016 in terms of assessing and planning for the needs of those households who do not want conventional bricks and mortar accommodation;
 - Narrative on the implications of First Homes; and
 - Narrative setting out how non-planning definition Gypsy and Traveller needs are to be identified and addressed through a separate Gypsy, Traveller and Travelling Showpeople DPD.
94. In response to the Inspector's query over paragraph 4.11 of the 2021 AMR report referencing the Housing Topic Paper 2021 as the location where the methodology used to calculate windfall allowance is set out; the Council can confirm that this is a typographical error within the AMR.
95. The full methodology for calculating windfall allowance is published in the Housing Topic Paper May 2016, to support the submission of the 2017 Local Plan (document SUB 005 SUB-005-Housing-Topic-Paper-May-2016.pdf (maidstone.gov.uk)). It is also published as part of the LPR evidence base – see Strategic Land Availability Assessment (SLAA) Update 2021, paragraphs 9.1 – 9.5, (document LPR 1.14).
96. This methodology was tested as part of the Examination in Public of the 2017 Local Plan and found 'sound' by the Inspector at the time. It has since been successfully defended at planning appeals and is used to calculate the annual windfall allowance contribution to Maidstone's housing land supply on an annual basis.

IIQ19 In addition to an updated Housing Strategy Topic Paper I would also request that the Council prepares a Housing Delivery and Land Supply Topic Paper that outlines the process it went through in selecting the proposed housing allocations

in the LPR from the call for sites and SLAA and confirm in broad terms how reasonable alternatives were dealt with through the SA process. The paper should consider options for the housing trajectory and whether there is a case for a stepped trajectory. The Paper should also provide commentary on the implications for land supply were the plan period amended to 31 March 2038. The Paper also needs to set out and provide the compelling evidence as per NPPF paragraph 71 for any windfall allowance –drawing on what is provided in the AMR and any other documents. The paper should also reaffirm that 10% of the housing requirement can be met on sites of no larger than 1ha. It would also be helpful if the paper can briefly outline why it would be necessary for soundness to re-introduce site LPRSA202 at Coxheath for 85 dwellings (proposed in LPRSUB11). Ultimately, the Paper should seek to confirm that there would be a specific, deliverable supply of sites for years one to five of the plan period, with an appropriate buffer (NPPF paragraph 74). I appreciate this topic paper may take some time to prepare but request that a version is made available at least 4 weeks prior to the Stage 1 hearings starting.

Council's response

97. The Council acknowledges the Inspector's request for the preparation of a new Housing Delivery and Land Supply Topic Paper, under IIQ19. It is also noted that this should be made available at least 4 weeks prior to the Stage 1 hearings. The Topic Paper will set out all elements required by the Inspector, as listed under IIQ19.
98. As part of this Topic Paper, the Council will look specifically at a scenario of extending the plan period to 2038 and advise what the implications of that would mean, as per the Inspector's request under paragraph 12. Given the Inspector's initial advice that there is a strong likelihood that the plan will not be adopted by 31 March 2023, the Council anticipates that the plan period is almost certain to be extended to 2038 and that this would constitute a proposed Main Modification to the LPR.
99. With regards to the Inspector's request under IIQ19 for the Topic Paper to consider whether there is a case for a stepped trajectory, the Council confirms that this will be investigated in line with PPG advice on when a stepped housing requirement is appropriate for plan-making.
100. Whilst the use of a stepped trajectory was not applied during the preparation of the LPR, it is by no means uncommon. There is a demonstrable precedent for adopting a stepped trajectory and the Council is mindful of the approach being taken by other planning authorities facing similar development pressures where comparable needs and spatial strategies have been identified. The Inspector in the examination of the East Staffordshire Local Plan 2012-2031 concluded that a stepped trajectory was the pragmatic approach to be taken, and that further consideration of 'omission' sites was

not necessary. Similar to Maidstone, the East Staffordshire Local Plan proposed to deliver a significant proportion of housing through larger sites, referred to as Sustainable Urban Extensions, meaning that 'backloading' housing delivery through a stepped trajectory was an appropriate approach. More recently, the Inspector in the examination of the Royal Borough of Windsor and Maidenhead Local Plan 2013-2033 concluded that a stepped trajectory was appropriate and justified based on both the significant change in the level of housing needed between emerging and previous policies and the reliance on key strategic sites commencing later in the plan period . The application of stepped trajectory would also ensure the authority could meet the requirement for the five-year housing land supply (with appropriate buffer) as well as meet the overall housing requirement over the plan period.

101. In Maidstone, the housing requirement increases from 883 per annum in the adopted Maidstone Borough Local Plan, to 1,194 per annum using the latest affordability ratio and the Government's Standard Methodology. This represents a significant 35% uplift in the annual requirement. The proposed spatial strategy relies on the delivery of two new Garden Settlements (Heathlands and Lidsing) and a strategic development location at Invicta Barracks; none of which are anticipated to begin delivering completions until year 6. Given that the Inspector's suggestion of considering a stepped trajectory would appear, at this stage, to align with the borough's proposed spatial strategy and expected delivery of sites over the plan period, and that there is demonstrable precedent that this approach is justified in similar cases; MBC is happy to proceed with production of the Housing Delivery and Land Supply Topic Paper (IIQ19) on the basis solely of the stepped trajectory, and would be grateful if the Inspector could confirm the acceptability of the approach.

102. Furthermore, and notwithstanding the Inspector's confirmation of approach to trajectory requirement, the Topic Paper will seek to confirm that there is a specific, deliverable supply of sites for years one to five of the plan period, with an appropriate buffer (NPPF paragraph 74). Part of this confirmation will include evidence of engagement with site promoters on the realism of profiled site delivery, including critical infrastructure dependencies and trigger points for sites where necessary, as per the Inspector's request under paragraph 14.

IIQ20 The AMR for 2020/1 is provided as Submission document LPRSUB007. Can the Council confirm when it is likely to publish/report to Members its AMR for 2021/22 monitoring period?

Council's response

103. The Authority Monitoring Report (AMR) is updated on annual basis and is published on the Council's website each December, following formal consideration by Councillors.

104. Analysis of the latest housing land supply and housing delivery position is ongoing, with the intention to have this published in August 2022.

Moving the examination forward

105. The Town Hall in Maidstone Town Centre has been secured for the Stage 1 Hearings in September 2022. This venue has live streaming and recording equipment, is accessible to the public and a short distance from Maidstone East, West and Barracks train stations. There are two rooms available for the hearing purposes, one for the hearing and the other which can be used as the Inspectors Room.

106. We are grateful to the inspector for consideration of these matters.

Your sincerely

A handwritten signature in blue ink, appearing to read 'M-T-Egerton', is written over a light blue rectangular background.

Mark Egerton

Strategic Planning Manager