

Strategic Planning  
Maidstone Borough Council

Date: 24<sup>th</sup> October 2020

## Maidstone Borough Council

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### **By email only**

Dear Sir/Madam

### **OTHAM PARISH NEIGHBOURHOOD PLAN 2020-2035**

### **Consultation pursuant to Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended)**

### **Consultation period 16 October to 27 November 2020**

Otham parish was designated a neighbourhood area on 1 August 2017. During the preparation of the plan, the Borough Council has offered advice and support to the parish council on matters such as the neighbourhood planning process, the evidence base, the plan's regard to national policy, and general conformity with the strategic policies of the Maidstone Development Plan. The parish council has afforded the Council opportunities to informally comment on draft iterations of the plan, and it has responded positively to the advice given.

The parish council undertook public consultation on the pre-submission version of the Otham Parish Neighbourhood Plan (Regulation 14) between 22 July and 6 September 2019. The Borough Council submitted representations on the plan and, in response to the issues raised in all representations received, the parish council amended the neighbourhood plan appropriately.

The Borough Council is satisfied that public consultation on the pre-submission draft neighbourhood plan was carried out in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended), and the submission of the neighbourhood plan and supporting documents meet the requirements of Regulation 15. A Strategic Environmental Assessment and/or Habitats Regulation Assessment is not required for the plan.

Public consultation on the Otham Parish Neighbourhood Plan (Regulation 16), facilitated by Maidstone Borough Council, commenced on 16 October and closes on 27 November 2020.

The Otham Parish Neighbourhood Plan was considered by the Council's Strategic Planning and Infrastructure Committee on 9 November 2020 when support for the plan, subject to the resolution of matters raised in the Council's representation, was confirmed. This letter forms

Maidstone Borough Council's representation on the Otham Parish Neighbourhood Plan (Regulation 16 version).

The neighbourhood plan is clear and well written and, except for anti-coalescence policy AC1, the plan is considered to be in general conformity with the strategic policies of the adopted Maidstone Borough Local Plan 2017.

The National Planning Policy Framework (NPPF) states that neighbourhood plans should:

- Support the delivery of strategic policies set out in local plans, shaping and directing development that is outside of the strategic policies (paragraph 13);
- Avoid unnecessary duplication of policies that apply to a particular area (paragraph 16(f));
- Only contain non-strategic policies (paragraph 18); and
- Be in general conformity with the strategic policies contained in any development plan that covers their area (paragraph 29).

Relevant strategic policies of the adopted local plan are policies SS1 'Maidstone Borough Spatial Strategy' and SP17 'The Countryside'.

Policy SS1(9) of the local plan states that "*protection will be given to the rural character of the borough avoiding coalescence between settlements, including Maidstone and surrounding villages*". Supporting text to policy SS1 (paragraph 4.27) explains the function of the anti-coalescence criterion: "*It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced whilst at the same time allowing for opportunities for sustainable development that supports traditional land based activities and other aspects of the countryside economy, and makes the most of new leisure and recreational opportunities that need a countryside location. The individual identity and character of settlements should not be compromised by development that results in unacceptable coalescence.*"

Local plan strategic policy SP17 affords protection to the countryside from unacceptable development. The countryside is defined as "*all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map*". Criterion 7 of the policy seeks to retain the separation of individual settlements.

The first criterion of neighbourhood plan policy AC1 states: "*Housing development will be supported if it does not result in the coalescence of the village of Otham with urban Maidstone or other villages*". Otham village lies within the countryside, as defined by policy SP17, and the village is afforded protection by strategic policies SS1, SP17 and other policies of the local plan. Whilst this is an unnecessary duplication of adopted local plan policies, the Council acknowledges that the prevention of the coalescence of Otham village with the urban area is a local issue of particular importance for the community. Consequently, the Council is not seeking the deletion of policy AC1 criterion 1.

The second criterion of neighbourhood plan policy AC1 states: "*Within the parcels of land identified as having high or moderate anti-coalescence value (shown on map 6.1), any development which results in a significant adverse impact on maintaining its anti-coalescence*"

*function will not be supported.*” Map 6.1 identifies three areas of high anti-coalescence function (A/B/C) and six areas of moderate anti-coalescence function (D1/D2/E1/E2/F1/F2). The supporting text for the second criterion of policy AC1 states that parcel B on map 6.1 is “*afforded no protection*” (page 24 paragraph 2).

Policy AC1 criterion 2 does not support the delivery of the strategic policies of the adopted Maidstone Borough Local Plan 2017, and it does not comply with strategic policies SS1(9) and SP17. The purpose of the local plan anti-coalescence policy is to prevent the merging of settlements and to protect their individual character, not to stop development. Policy AC1 criterion 2 seeks to introduce restrictions to development that go above and beyond what is required by policies SS1(9) and SP17. Further, given the protection provided by these (and other) local plan policies, it is incorrect to state that parcel B on map 6.1 is not afforded protection.

Additionally, the anti-coalescence layers shown on map 6.1 overlap:

- A housing site allocation at West of Church Road, Otham (Map 6.1 Area D1), contrary to local plan strategic policy H1(8); and
- Part of the designated Len Valley Landscape of Local Value (Map 6.1 Area A), contrary to local plan strategic policy SP17(6); and Map 6.1 is not clear on the extent of the anti-coalescence policy northwards for Area A; and
- Designations of Local Green Space areas proposed in the neighbourhood plan, which will have protection equivalent to national Green Belt policy (Map 6.1 Areas part D2, part C and F2).

Consequently, the Council raises objection to the second criterion of policy AC1 and seeks the deletion of the criterion, together with the deletion of map 6.1 and supporting text on page 24 of the neighbourhood plan.

Further representations listed below seek greater clarity or correction in the neighbourhood plan.

<b>Page no.</b>	<b>Paragraph/ Policy no.</b>	<b>Representations</b> Proposed additional text <b>emboldened</b> , and deleted text <del>struck through</del>
9	Paragraph 2 - PPG reference	<b>Correction:</b> Planning Practice <del>Guide</del> <b>Guidance</b> (PPG).
10	Paragraph 4.2 and elsewhere in the plan – Local Evidence	<b>For clarity:</b> Reference to local evidence as part of the supporting text to policies is welcomed. The evidence states, for example, that “94% of residents believe ...”. The evidence is based on a percentage of respondents to local surveys, rather than as a percentage of all residents. In some cases, the word ‘respondents’ has been used in the plan, and this should replace ‘residents’ in all cases when referring to local evidence statistics.
11	Policy HC1 - Otham Heritage Trails	<b>Amendment:</b> “Development will be supported provided it does not detract from the recreational and educational value of the designated Otham Heritage Trails <b>1 and 2 as set out in Appendix 3.</b> ”  <b>Reason:</b> For clarity.

Page no.	Paragraph/ Policy no.	Representations Proposed additional text <b>emboldened</b> , and deleted text <del>struck through</del>
11	Policy HC2 - Protection of short and long range views	<p><b>Amendment:</b> "Protection of views: Development proposals must give consideration to identified short- and long-range views across the countryside and the village and, where appropriate, should seek to safeguard <del>these</del> <b>the views shown on HC2 Maps 1 and 2 and views from the Otham Heritage Trails described in Appendix 3.</b>"</p> <p><b>Reason:</b> For clarity. Appendix 3 'Heritage Walks' contains a great deal of useful description of the features in the views, so cross-referencing between the walks and views would provide greater clarity.</p>
19	Map GS2 - Proposed Local Green Space	<p><b>Corrections:</b> (1) The area shown at the top of the map in lilac is part of the Len Valley Landscape of Local Value, as designated under policy SP17(6) of the adopted local plan. The shading either needs to be removed or the designation added to the key. (2) The key for identifying Ancient Woodland is blank, so the correct shading needs to be added.</p>
22	Policy GS3 – Bearsted Football Club LGS	<p><b>Observation:</b> The 'protection of the amenity of neighbouring residents' is an outcome of protecting trees within this designation, rather than a function of Local Green Space.</p>
23-24	Policy AC1 criterion 2, supporting text & Map 6.1 – Anti-coalescence	<p><b>Objection:</b> Delete policy AC1 criterion 2, supporting text (page 24), and Map 6.1 (page 23).</p> <p><b>Reasons:</b> See main body of this representation. Policy AC1 criterion 2 is not in general conformity with adopted local plan strategic policies SS1(9), SP17, SP17(6) and H1(8). The policy also overlaps proposed designations of Local Green Space in the plan; and the extent of coverage for Area A is not clear.</p>
27	Policy ST5 – Protection of public footpaths	<p><b>Amendment:</b> "Subject to other considerations within the plan, development adjacent to public footpaths, <b>which are identified on map GS2</b>, should not affect their amenity as a leisure facility, harm the views of the North Downs or have an adverse impact on the Heritage <del>Walks</del> <b>Trails</b> identified on <b>maps 1 and 2</b> <del>map GS2 and</del> in Appendix 3."</p> <p><b>Reason:</b> Public footpaths are shown on Local Green Spaces map GS2, but Heritage Trails are identified on Heritage Trail Maps 1 and 2 in Appendix 3.</p>
29	Policy BE1 criterion 3 – Development proposals	<p><b>Amendment:</b> "It does not result in significant harm to the surrounding landscape or the setting of heritage assets most especially any listed building or the Conservation Area and its setting, <b>unless public benefit outweighs harm to the significance of heritage assets.</b>"</p> <p><b>Reason:</b> Policy BE1 criterion 3 does not quite conform with NPPF paragraphs 195-197 because it does not allow for public benefit to outweigh harm to the significance of heritage assets.</p>
38	Ultimate paragraph – NPPF reference	<p>Correction: NPPF paragraph reference should be 100 (not 97).</p>

Page no.	Paragraph/ Policy no.	Representations
40-47	Appendix 3 – Heritage Walks	Proposed additional text <b>emboldened</b> , and deleted text <del>struck through</del> Observation: For consistency, re-name Appendix 3 'Heritage Trails'. Amend references elsewhere in the plan that refer to 'Heritage Walks'.

Yours faithfully,

**Rob Jarman**

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