

Maidstone Local Plan Review Examination

Inspector's Stage 1 Matters, Issues and Questions (MIQs)

7 July 2022

Inspector – David Spencer MRTPI
Programme Officer – Louise St John Howe
email:louise@poservices.co.uk telephone: 07789-486419

Important Notes:

Representors submitting hearing statements should only respond to the questions that directly relate to their previously-submitted written representations on the plan at Regulation 19 (29 October - 12 December 2021).

- Please clearly indicate in your statement(s) the question(s) you are answering.
- The Inspector wishes to examine the submitted Local Plan Review in two distinct stages. This first stage will look at matters of legal compliance, the proposed amount of development to be planned for over the plan period and the proposed spatial strategy to sustainably distribute the growth. In particular, the first stage of the examination will consider the soundness of the two proposed garden settlements (Heathlands and Lidsing) as well as the proposed approach east of Maidstone (Leeds-Langley) along with the broad approach to the Invicta Barracks site. Subject to the outcome of Stage 1 – all other parts of the plan including proposed sites in Maidstone and other settlements and development management policies would be considered as part of Stage 2
- Statements should not exceed 3,000 words per Matter and should be submitted to the Programme Officer no later than **5pm on Thursday 18 August 2022**. Late responses will not be accepted. Please see the separately published guidance notes for further details.
- In considering whether to respond to these questions and submit a statement it is worth considering the following:
 - Statements are optional (apart from for the Council who must provide a statement on each Matter). You can rely on your original representations from December 2021 which the Inspector is required by law to have regard to (Regulation 23 of the 2012 Local Plan Regulations). Statements that simply repeat these original representations will have limited value.

- A number of proposed modifications to the Plan have been prepared by the Council and can be found in Document LPRSUB011 on the examination website. Please consider carefully whether these proposed changes would address your soundness concern(s) and therefore whether you need to submit anything further at this stage. All proposed main modifications would be subject to consultation in due course providing a further opportunity for comment.
- Additional evidence was provided by the Council when the Plan was submitted (see suite of documents under LPR5.0 on the examination website). The Council has also provided information in response to my Initial Questions in the documentation at ED4a-g. This evidence may address your soundness concern(s), but it may also raise new and important considerations relevant to your original representations.
- Whilst there is a deadline for statements in response to these MIQs, the Examination supports the submission of Statements of Common Ground (SOCG) with the Borough Council at any time. Further details on this can be found in the accompanying guidance notes and in the Inspectorate's Procedure Guide for Local Plan Examinations.

David Spencer

Inspector.

Matter 1: Legal and Procedural Compliance

Issue 1: Whether the Council has complied with the Duty to Co-operate in the preparation of the Local Plan Review

Note: The duty to co-operate applies to the preparation of the Plan Review as far as it is related to strategic matters. This covers the period up to, but not after the submission of the Plan on 31 March 2022. Strategic matters are defined in S33A(4) of the Planning and Compulsory Purchase Act 2004. Issues of soundness are dealt with under other matters.

Questions

Q1.1 Has the preparation of the plan (up to the point of submission on 31 March 2022) accorded with the legal requirements relating to the Duty to Cooperate? Is this sufficiently evidenced by the Duty to Cooperate Statement and the statements of common ground (Document LPR5.5 as an update to Documents LPR1.58 & 1.59) and the appendix summarising meetings with duty to cooperate bodies (2017-2022) at Document ED4a?

Q1.2 Is there any evidence through the Duty to Cooperate process, including the signed statements of common ground on plan submission [LPR5.5], of unmet housing, gypsy and traveller and employment needs that the Local Plan Review should reasonably consider?

Q1.3 Various representations refer in general terms to unmet housing need from London. The Duty to Cooperate typically applies to neighbouring authorities as well as other authorities and bodies in the wider housing market area or a functional economic market area¹. Has the Council logically applied the Duty to an appropriate functional geographical area?

Q1.4 A signed Statement of Common Ground with Medway Council did not accompany the submission of the Plan. Does this indicate that the legal duty to cooperate has not been appropriately discharged²? Are any matters of disagreement/concern relating to the Plan's proposed spatial strategy (Lidsing) issues of soundness that could be addressed by main modifications if necessary?

Q1.5 What cross boundary issues are there in relation to the Garden Settlement proposals at Heathlands and Lidsing and how have these been dealt with through co-operation?

Q1.6 Overall, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan Review?

¹ Planning Practice Guidance paragraph 6-017-20190315

² noting Medway Council's Regulation 19 representation considers at Question 2c that the legal duty to cooperate has been complied with.

Issue 2: Whether the Council has complied with relevant procedural and legal requirements.

Procedural

Q1.7 Has the preparation of the Local Plan Review been in accordance with the Local Development Scheme [LPRSUB006] in terms of its scope and timing?

Q1.8 Does the Plan clearly identify those policies of the 2017 Local Plan it will be replacing/updating? Where site allocation policies are being 'rolled' forward from the 2017 Local Plan is the approach taken justified and clear on which sites are part of the Local Plan Review and any that would be 'saved' from the 2017 Local Plan? Does the Council's proposed approach/main modification outlined in document ED4 provide necessity clarity on this matter?

Q1.9 How does the Plan Review relate to existing Neighbourhood Plans and, in broad terms, how would they be affected by the adoption of the submitted Plan Review document?

Q1.10 Has the preparation of the Plan, including notification, consultation, publication and submission, complied with the Regulations³ and the Council's Statement of Community Involvement?

Q1.11 Given the significance of the Garden Settlement proposals at Heathlands and Lidsing, in terms of their location and scale, has there been appropriate engagement with affected communities as part of the plan-making process?

Equalities

Q1.12 Having regard to the Sustainability Appraisal [Document LPRSUB002] and Equalities Impact Assessment [Document LPR1.62], in what way does the Plan seek to ensure that due regard is had to the three aims⁴ expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

Sustainability Appraisal

Q1.13 Has the Sustainability Appraisal [SUB002] adequately assessed the likely environmental, social and economic effects of the Local Plan Review? Does the Sustainability Appraisal meet the relevant legal requirements in relation to Strategic Environmental Assessment (SEA) as per NPPF paragraph 32?

Q1.14 Does the Sustainability Appraisal: (i) systematically appraise reasonable alternatives? (ii) give clear reasons for the preferred approach; (iii) take a proportionate approach to explaining why unreasonable options/alternatives have been discounted and not systematically appraised? and (iv) Where significant adverse impacts are unavoidable, have suitable mitigation measures to prevent, reduce, and as fully as possible, offset them, been identified?

³ The Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ At Section 149(1) of the Equality Act 2010 – (1) eliminate discrimination; (2) advance equality of opportunity; and (3) foster good relations

Q1.15 Has sustainability appraisal been undertaken as an iterative process to inform the preparation of the Local Plan Review, having regard to the flowchart at Planning Practice Guidance paragraph 11-013-20140306?

Habitat Regulations Assessment (HRA)

Please see document LPRSUB005 (HRA Addendum – March 2022) in addition to document LPR1.19 (HRA report – September 2021). Initial Inspector Questions relating to HRA were set out in document ED2 and Council's response in relation to ongoing work and dialogue with Natural England is set out in document ED4.

Q1.16 What is the current position regarding the comments from Natural England on (a) the potential impact of the Plan's proposals within the River Stour catchment in relation to nutrient neutrality and the Stodmarsh SAC, SPA and Ramsar and (b) in relation to impacts on air quality in relation to the North Downs Woodland SAC?

Q1.17 Has there been an appropriate level of assessment of the in-combination effects of other plans and programmes – including within the Stour catchment (Stodmarsh SAC, SPA and Ramsar) and with other plans and programmes likely to effect nitrogen deposition in the North Downs Woodland SAC? In relation to the latter, would it be reasonable to include the Lower Thames Crossing given the current timetable for the project?

Q1.18 In light of the nutrient impact assessment and mitigation screening work to date, notably in relation to proposals in Lenham, including Heathlands, is there a reasonable prospect of an update to the appropriate assessment of the Local Plan Review confirming a deliverable mitigation package and as a consequence a conclusion of no adverse effect

Q1.19 In terms of the various mitigations identified through appropriate assessment in the HRA documents, are there agreed mechanisms to secure the mitigation that enable an overall conclusion of no adverse effect on the integrity of protected sites? In particular:

- (a) A mitigation strategy comprising of feasible measures to reduce nitrogen deposition on various routes through the North Downs Woodland SAC (A229, A249, Boxley Road etc) – outlined in Appendix C to LPRSUB005
- (b) Mitigation for recreational disturbance in relation to (i) Medway Estuary and Marshes SPA and Ramsar and (ii) North Downs Woodland SAC. [Is there an established mechanism for collecting and implementing financial contributions in relation to the Medway Estuary and Marshes?]
- (c) Mitigation for water quality in relation to the Medway Estuary and Marshes SPA and Ramsar and Thames Estuary & Marshes SPA and Ramsar.
- (d) Mitigation for nutrient matters in relation to Stodmarsh SAC, SPA and Ramsar in respect of agreed formulas for nutrient budgets and the effectiveness of potential solutions (upgrades to waste water treatment and wetland filtering etc.)

Climate Change

Q1.20 Does the Plan accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?

Matter 2 - The Borough Spatial Strategy

Please Note:

This matter focuses on two principal issues: (1) how much development is required over the plan period; and (2) whether the settlement hierarchy within the spatial strategy at Policy LPRSS1, would meet the identified needs in a sustainable way.

The matter needs to be considered strategically, recognising that soundness objections to the Garden Settlement and Strategic Development Locations have been made in respect of both Policy LPRSS1 as well as the relevant parts of Policies LPRSP4 and LPRSP5. Consequently, this Matter focuses on:

(i) whether the requirements for housing and commercial development over the plan period are soundly based

(ii) the soundness of a spatial strategy that includes two new Garden Settlements and other strategic development areas (Leeds-Langley and Invicta Barracks) and the assessment of reasonable alternative options

Matters 3 and 4 separately consider policy detail for the two Garden Settlement proposals and the proposed strategic development locations.

Issue 1: Whether the Local Plan Review has been positively prepared and whether it is justified, effective and consistent with national policy in relation to housing need and the housing requirement.

Q2.1 Has the calculation of Local Housing Need (1,157 homes per annum) been undertaken appropriately using the standard method and correct inputs?

Q2.2 Should the housing need figure be higher than the minimum Local Housing Need of 1,157 homes per annum? Do any of the circumstances set out in paragraph 10 of the housing and economic needs assessment chapter of the PPG (or any relevant circumstances) apply in the Borough of Maidstone?

Q2.3 Does the Council's ambitious approach of allocating more employment land than the labour demand scenario projections indicate, justify an increase in the housing need figure? Will 1,157 homes per annum provide the working age population sufficient to support the number of additional jobs likely to be created over the plan period?

Q2.4 Should the Plan set housing requirements for designated neighbourhood areas in light of paragraph 66 of the NPPF?

Q2.5 The plan period is expressed as 2022-2037. NPPF paragraph 22 states that strategic policies should look ahead over a minimum 15 year period from plan adoption. What would be the consequences of amending the submitted plan period to 31 March 2038 or alternatively to 31 March 2039?

Q2.6 Is it justified that the plan period starts on 1 April 2022? Is the base date supported by the evidence base, including robust baseline figures on extant supply of housing land and employment land to meet identified needs as of 1 April 2022? What would be the consequences of amending the plan period to start on 1 April 2021?

Issue 2: Whether the Local Plan Review has been positively prepared and whether it is justified, effective and consistent with national policy in relation to establishing the scale of commercial development needed over the plan period.

Q2.7 Are the spatial priorities for sustainable economic growth in Maidstone in the Plan [Spatial Objectives 1,8 & 9; Policy LPRSS1] soundly based and do they comprise a clear economic vision and strategy for the Borough consistent with the wider South East Strategic Economic Plan and the ambitions and objectives of the Maidstone Economic Development Strategy?

Q2.8 Are the job growth forecasts and the consequent assessment of floorspace for employment uses over the plan period justified, positively prepared and consistent with national policy? If the plan period were to be extended to 2038 or 2039, would it be reasonable to extrapolate the requirement over the additional years⁵?

Q2.9 Are the floorspace figures for employment uses at part 2 of Policy LPRSS1 soundly based and sufficient to support a strong, competitive economy in the Borough including appropriate flexibility for changes in economic circumstances?

Q2.10 Are the retail and food and beverage uses floorspace figures in part 3 of Policy LPRSS1 soundly based and capable of ensuring the vitality of Maidstone town centre would be maintained?

Issue 3: Whether the proposed spatial strategy is justified, effective, positively prepared and consistent with national policy, including in terms of the distribution of development across the Borough and the assignment of places within the settlement hierarchy.

Please note the detail of individual Policies LPRSP6(a)-(f) and LPRSP7(a)-(d) and proposed site allocations in Rural Service Centres and Larger Villages will be considered as part of any Stage 2 hearings.

Q2.11 Has Sustainability Appraisal considered all reasonable options for a spatial strategy that would secure a sustainable pattern of development in the Borough? Is the explanation in the Sustainability Appraisal for selecting the submitted spatial strategy cogent?

⁵ Noting the EDNS Addendum 2021 [LPR1.9] includes forecasts to 2042

Q2.12 What would be the broad outcome of the submitted spatial strategy in terms of the distribution/proportion of planned housing development⁶ over the plan period?

	Pipeline Consents and 2017 Local Plan and Neighbourhood Plan allocations	Additional allocations through Local Plan Review	Total number and % overall planned development over plan period
Maidstone (urban and edge) excluding Invicta			
Garden Settlements	n/a		
Invicta Barracks			
Leeds-Langley	?	?	
Lenham Broad Location			
Rural Service Centres			
Larger Villages			
Smaller Villages			
Countryside		n/a	
Totals			

Q2.13 Along similar lines, what would be the broad outcome of the submitted spatial strategy in terms of the distribution of planned employment development (uses E(g), B2 and B8)?

Q2.14 Does the distribution of land (including that rolled forward from the 2017 Local Plan) correlate to where businesses want to locate and/or cluster in the plan period? Is employment land being released through the Local Plan Review in the right places to support a strong, competitive economy?

Q2.15 Has the Plan sought to appropriately maximise the potential of the existing urban area of the County Town of Maidstone for housing and commercial development including sustainable edge of settlement options? Do highways and secondary education capacity constrain potential growth in the Maidstone urban area?

Q2.16 In terms of the three reasonable options for garden settlements assessed through Sustainability Appraisal, having regard to the Stantec Reports and other evidence, is the identification of two Garden Settlement proposals (as opposed to one or none) justified as an appropriate strategy to meet Maidstone's development needs over the plan period?

Q2.17 The submitted spatial strategy would result in large scale development adjacent to and within the setting of the North Kent Downs AONB, notably the Garden Settlement proposals at Heathlands and Lidsing. The proposal at Lidsing

⁶ Excluding windfalls

involves an element of incursion into the AONB to facilitate the delivery of highway infrastructure. Are the impacts on the North Kent Downs AONB arising from the submitted spatial strategy appropriately addressed in the Sustainability Appraisal? Has it been demonstrated that alternative options that would not have adverse effects on the AONB, including avoiding incursion into the AONB, have been reasonably discounted?

Q2.18 The proposed spatial strategy allocates significant new development within the Borough at Lidsing at the edge of the Medway towns. Having regard to local housing markets and functional economic areas (i.e. where people are likely to travel to work) is this a justified approach to securing a sustainable pattern of development for the Borough's development requirements?

Q2.19 Could the housing development envisaged at Lidsing and Heathlands within the plan period (2,700 homes) be alternatively accommodated through other reasonable spatial strategies that have been or could be tested through Sustainability Appraisal? (The suggestions in the representations include the intensification of development at Invicta Barracks, the positive allocation of land within the Leeds-Langley corridor and/or the North of Marden garden settlement option).

Q2.20 Policy LPR1 of the Maidstone Local Plan 2017 envisaged further assessment of the development potential to the east of the town as part of a plan review. Is the submitted plan review justified, effective and positively prepared in terms of settlement hierarchy and Policy LPRSS1 in the role ascribed to the Leeds-Langley Corridor as a strategic development location with potential rather than a firm allocation quantifying a scale of development?

Q2.21 The plan identifies larger scale developments as part of the spatial strategy which will take time to develop out. Are the policies for these developments set within a vision that looks further ahead (at least 30 years)? [see also Q3.5 below]

Q2.22 Is the approach of the settlement hierarchy in terms of the role and potential scale of development at Rural Service Centres, Larger Villages and Smaller Villages and Hamlets as set out in Policy LPRSS1 justified?

Q2.23 Is it necessary for plan soundness that there should be a greater role for the Rural Service Centres and larger villages as part of the spatial strategy, including to deliver housing growth (including affordable housing) in the short to medium term? Does the submitted Plan strike an appropriate balance between the character and infrastructure capacity of Rural Service Centres and Larger Villages and the scale of growth proposed?

Q2.24 Are the settlements assigned to the Rural Service Centres, Larger Villages and Smaller Villages and Hamlets tiers of the settlement hierarchy justified? In particular any changes from the settlement hierarchy in the 2017 Local Plan, such as Boughton Monchelsea and East Farleigh.

Q2.25 Has the general approach to selecting site allocations in the Plan Review for housing and employment been consistent with the spatial strategy at LPRSS1 and

supported by the evidence in the SLAA 2021 update outputs [LPR1.14] and Sustainability Appraisal?

Q2.26 The detail of LPRSP6(a) Coxheath would be a matter for stage 2 hearings. At this stage, however, having regard to the site selection process for the submitted plan, why would it be necessary for soundness to modify the Plan to delete site LPRSA312 (Land North of Heath Road, Coxheath) and allocate housing site LPRSA202 (Land at Forstal Lane/Stockett Heath, Coxheath) as proposed in document LPRSUB011?

Matter 3: The Garden Settlements

Issue 1: Is the general approach in the Plan in setting out the planning framework for the management and coordination of development at the proposed Garden Settlements justified and effective?

Q3.1 The approach to the Garden Settlement proposals is to use Supplementary Planning Documents to masterplan site delivery. Is that approach justified and effective in terms of: (i) making the most of the opportunities to secure sustainable development in a coherent way; and (ii) creating high quality places and environments?

Q3.2 Would it be necessary for plan soundness for the Plan Review document to contain an indicative framework diagram to inform masterplanning? Is the right balance being struck between what is in the Plan and what is being devolved to the Supplementary Planning Document? What is the status of initial masterplanning documentation which was submitted alongside the plan – for example LPR1.97 the Lidsing Vision and Masterplan Framework and LPR1.78 the Heathlands Framework Masterplan?

Q3.3 The approach in both Garden settlement proposals is to secure a minimum 20% biodiversity net gain, expected to be delivered on-site. Is that justified, feasible and viable within the site allocation boundaries as shown on the Policies Map?

Q3.4 The approach to the energy performance of built development varies from “operationally net zero” at Heathlands to “climate change adaptations and mitigation strategy based on national and local guidelines” at Lidsing. Is the variance justified? Are either policy requirement effective, viable and consistent with national planning policy?

Q3.5 Is the Plan justified in committing the Borough to long term growth at these Garden Settlement locations, including appreciably beyond the end of this plan period? Has the technical evidence, proportionate to plan-making, considered the implications of the garden settlements beyond the plan period (for example highway modelling)?

Q3.6 What explains the different jobs numbers and employment floorspace figures for Heathlands and Lidsing when both sites are predicated on 14 hectares of employment land?

Issue 2: Whether the proposals for a new garden settlement at Heathlands are justified, effective and consistent with national policy

Q3.7 What is the background to Heathlands being identified as a location for a garden settlement? When was it first introduced into the plan-making process?

Q3.8 Is the selection of Heathlands as one of two locations for proposed Garden Settlements justified by the evidence base (the Stantec report, SLAA, Sustainability Appraisal etc.) as an appropriate strategy to sustainably meet the Borough's development requirements?

Q3.9 On what basis was the Heathlands proposal assessed in the Sustainability Appraisal that informed the Plan published in Autumn 2021? In particular, is the Sustainability Appraisal in relation to railway station provision and strategic highway infrastructure (M20 connectivity) consistent with the submitted plan policy?

Q3.10 When did Homes England become involved in the proposal and what does their involvement mean in terms of delivery in the plan period (including the potential to support timely implementation on large sites) and securing sustainable development outcomes more generally at Heathlands?

Q3.11 Given the proximity of the Heathlands location to the Borough boundary and communities in Ashford Borough (notably Charing) what dialogue has there been with Ashford Borough Council on cross-boundary matters likely to arise from the Heathlands proposal?

Q3.12 What is the basis for the scale of development proposed (5,000 homes and 5,000 jobs including at least 14 hectares of employment land) and is this justified?

Q3.13 What would be the effect of the proposed development on the setting of the North Kent Downs AONB? Can potential adverse impacts be adequately mitigated (as outlined in Document LPR5.4)? Is it justified to include land north of the Maidstone-Ashford railway line, closest to the AONB, to secure sustainable development at Heathlands?

Q3.14 Have the potential impacts of Heathlands (in combination with other Plan proposals in the Lenham locality) on the Stodmarsh SAC, SPA and Ramsar site been appropriately assessed? Is the mitigation proposed in Policy LPRSP4(a) at 5(d) and 7(a) consistent with the Habitats Regulations Assessment and in addressing Natural England's concerns? Is the proposed mitigation effective, viable and consistent with homes being occupied from 2029 onwards?

Q3.15 Are there any other environmental constraints, including heritage assets, local wildlife sites, ancient woodland, best and most versatile agricultural land and air quality that would inhibit the development of the allocation?

Q3.16 Will the size and location of Heathlands support a sustainable community with sufficient access to services and employment opportunities within the development itself? Are assessments of employment generation and levels of self-containment realistic?

Q3.17 Is the location of Heathlands consistent with national policy (NPPF paragraphs 73 and 105) which advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes?

Q3.18 Is a new rail station at Heathlands necessary infrastructure to ensure the development proposed would be sustainably located or would improving connectivity to the existing station at Lenham be a reasonable alternative approach? In light of the Network Rail correspondence of 30 June 2021 [LPR1.95] is more certainty needed or can the Plan be found sound with some degree of flexibility with regards to rail infrastructure? If the latter, would the Sustainability Appraisal of Heathlands as an option for a Garden Settlement need to be revisited?

Q3.19 Has technical work in support of the Plan adequately demonstrated that any potential significant impacts on the capacity and safe performance of the road network, in combination with other Plan proposals that are likely to utilise the A20 and proximate M20 junctions, can be addressed/mitigated such that any residual cumulative impact would not be severe? Will additional work address the concerns of National Highways regarding the modelling of performance of relevant junctions on the M20?

Q3.20 Is Part 6e of submitted Policy LPRSP4(a) sufficiently clear? Is a new M20 junction between Junctions 8 and 9 necessary to support sustainable development at Heathlands including economic development? Is there a reasonable prospect of a new junction on the M20 during the plan period to serve cumulative growth in this part of Kent?

Q3.21 Does Policy LPRSP4(a) identify all appropriate and necessary infrastructure requirements? How will these be provided and funded?

Q3.22 Does the proposed modification at pages 5-7 of LPRSUB011 provide an effective policy framework to ensure that necessary infrastructure will be in place to support the phased development of Heathlands?

Q3.23 Does Policy LPRSP4(a) (in combination with other policies in the Plan) set clear expectations for the quality of place to be created at Heathlands and how this would be maintained through appropriate governance and stewardship arrangements?

Q3.24 Would design guides or codes be appropriate for Heathlands?

Q3.25 Is the development proposed viable and deliverable? What is the situation in relation to land ownership in light of those representations on the Plan which assert that not all of the site is available for development?

Q3.26 Is there a logical sequencing as to how development can come forward in a way that appropriately reflects existing and planned mineral workings on the site and can deliver the anticipated scale of development within the plan period? In particular, a phased approach which ensures appropriate living conditions for prospective future residents at Heathlands in terms of noise, dust and other

operational factors and that allows for appropriate infilling/settling of exhausted workings prior to any development?

Q3.27 What is the risk to delivery at Heathlands within the plan period from delays to completing the various mineral workings (i.e. operators seeking extensions of time)?

Q3.28 Is it realistic to anticipate first housing completions from 2029 onwards and for 1400 homes to be delivered at Heathlands within the plan period?

Q3.29 Are any other main modifications necessary for soundness in relation to Heathlands including any of those presented in document LPRSUB011 (pages 4-9)?

Q3.30 On submission the Council provided the 'Heathlands Garden Community Roadmap' March 2022 [Document LPR5.20] which has been jointly prepared with Homes England. The Roadmap identifies various ongoing strands of technical work some of which is likely to become available during the examination (see also Inspector's Initial Letter [ED2] and the Council's response [ED4]). Are there any submissions at this stage on the menu of work identified in the Roadmap and its potential to address soundness concerns made on the Plan published in Autumn 2021?

Issue 3: Whether the proposals for a new garden settlement at Lidsing are justified, effective and consistent with national policy

Q3.31 What is the background to Lidsing being identified as a location for a garden settlement? When was it first introduced into the plan-making process?

Q3.32 Is the selection of Lidsing as one of two locations for proposed Garden Settlements justified by the Plan's evidence base (the Stantec report, SLAA, Sustainability Appraisal etc.) as part of an appropriate strategy to sustainably meet the Borough's development requirements?

Q3.33 Given the proximity of the Lidsing location to the Borough boundary and communities in Medway what dialogue has there been with Medway Council on cross-boundary matters likely to arise from the Lidsing proposal?

Q3.34 Will the size and location of Lidsing support a sustainable community with sufficient access to services and employment opportunities within the development itself or is it to be planned as a sustainable urban extension to the Medway towns?

Q3.35 What is the basis for the scale of development proposed (2,000 homes, 2,000 jobs including at least 14 hectares of employment land and a new local centre of 1,500sqm for retail, leisure and services) and is this justified?

Q3.36 Does Policy LPRSP4(b) identify all appropriate and necessary infrastructure requirements? How will these be provided and funded? Does the submitted policy provide an appropriate framework to mitigate cross-boundary infrastructure impacts?

Q3.37 Does the proposed modification at pages 9-10 of LPRSUB011 provide an effective policy framework to ensure that necessary infrastructure will be in place to support the phased development of Lidsing?

Q3.38 Does Policy LPRSP4(b) (in combination with other policies in the Plan) set clear expectations for the quality of place to be created at Lidsing and how this would be maintained through appropriate governance arrangements?

Q3.39 Given the concerns raised by Medway Council and local communities and their representatives can the proposed development at Lidsing be appropriately integrated at the edge of the existing Medway towns including transport links, the green infrastructure of the Capstone Valley, infrastructure capacity in Medway⁷ and any other nearby planned developments?

Q3.40 Can the proposed scale of development be appropriately accessed and is there additional text to be added to Part 6g) of the submitted Policy? Is access from North Dane Way required and if so is this deliverable?

Q3.41 What is the justification, in terms of exceptional circumstances, for the proposed highway connection via Junction 4 of the M2 which would result in development within the North Kent Downs AONB? Have alternative highway options to access the Lidsing site that avoid land-take within the AONB been assessed and reasonably discounted? Does the AONB Mitigation Topic Paper [document LPR5.4] outline that a cogent approach has been taken in respect of the Lidsing proposals and the AONB?

Q3.42 Is it justified to include 20ha of AONB land within the site allocation to effectively mitigate the c.1ha of AONB land required to accommodate highway infrastructure? What is the sensitivity and character of the AONB at this location?

Q3.43 What would be the effect of the proposed residential and employment development on the setting of the North Kent Downs AONB including the function of the allocated site as a buffer/gap between the AONB and the current edge of the Medway towns conurbation? Can potential adverse impacts be adequately mitigated?

Q3.44 The Habitat Regulations Assessment identifies likely significant effects in relation to the Medway Estuary and Marshes SPA and Ramsar, the Thames Estuary and Marshes SPA and Ramsar and the North Downs Woodlands SAC. Would the proposed approach to mitigation in Policy LPRSP4(b) in respect of the Medway Estuary and Marshes be effective and viable? [Is there an established mechanism for securing and implementing financial contributions to manage recreational pressure?] Are potential modifications to the policy required in light of ongoing work to address Natural England's representations regarding the Woodlands SAC and air quality?

Q3.45 What highway modelling work has been undertaken in relation to Lidsing and what work is currently ongoing⁸? Has it been adequately demonstrated that any potential significant impacts on the capacity and safe performance of the road network can be addressed/mitigated such that any residual cumulative impact would

⁷ Representations raise concern about the capacity of local highways, sewage treatment at Motney Hill and medical facilities etc. in Medway

⁸ See Documents E4b, ED4f and ED4g

not be severe? Will additional work address the concerns of National Highways regarding the modelling of performance of relevant junctions on the M2? Should the Lower Thames Crossing proposal be factored into the modelling work?

Q3.46 What is the likely impact from the Lidsing proposal on the local highway network through Bredhurst and Boxley? Is the Lidsing development likely to generate significant trip assignment south (i.e. to Maidstone) and if so, would the M2 and A229 provide the most likely route for vehicular traffic? If mitigation is required for Bredhurst and Boxley what form is that likely to take and is it feasible?

Q3.47 What would be the effect on the local environment including the character and openness of the Capstone Valley, the degree of separation between the communities of Hempstead and Lordswood and their respective identities, heritage assets, local biodiversity including Queensdown Warren and St Peter's Pit SAC site and the quality of protected groundwater resources? Can potential impacts be adequately addressed?

Q3.48 Is it realistic to anticipate first housing completions from 2027 onwards and for 1300 homes to be delivered at Lidsing given (a) potential lead-in times generally for large scale sites; (b) minerals operations; (c) preparation of a Supplementary Planning Document to masterplan the site; and (d) environmental mitigation including, but not limited to, measures to manage nutrients within the River Stour catchment?

Q3.49 Are any other main modifications necessary for soundness in relation to Lidsing, including any of those presented in document LPRSUB011 (pages 9-11)?

Matter 4 Strategic Development Locations

Issue 1: Whether the identification of the Leeds-Langley Corridor as a potential strategic development location is justified? Whether the policy framework for the Leeds-Langley safeguarded area would be effective and consistent with national policy?

Q4.1 What is meant by a 'potential strategic development location' as stated in Policy LPRSP5? In theory, could a quantum of major development come forward at this location within the plan period?

Q4.2 How has the Local Plan Review responded to the content of Policy LPR1 of the 2017 Local Plan? Since 2017 how has plan preparation for the Local Plan Review assessed the case for highway connectivity between the M20 Junction 8 and the A274?

Q4.3 Is growth in this location dependent on a new relief road or is the relief road one of a number of potential options to mitigate the impacts of growth on the highway network?

Q4.4 Is extent of the safeguarding area as shown on the Policies Map (and at page 67 of the Plan) justified? Is it necessary for soundness that this safeguarding area be amended as proposed in LPRSUB011 (page 53)?

Q4.5 Reference is made in representations to various environmental and heritage matters within and around the safeguarded corridor, including the setting of the Kent Downs AONB, the landscape and biodiversity of the Len Valley and the location and setting of a concentrated number of heritage assets. In this context is the Plan justified in identifying the broad area of the Leeds-Langley Corridor as shown on the Policies Map and how has this been considered through Sustainability Appraisal in terms of reasonable alternatives and potential mitigation for any adverse effects?

Q4.6 Overall, is the Leeds-Langley Corridor a sustainable location for significant development potential to the east of Maidstone, in a way which would be consistent with paragraph 73 of the NPPF? Given the likely timescale of delivery should Leeds-Langley be set within longer term vision (at least 30 years) as per NPPF paragraph 22?

Q4.7 Is there currently sufficient evidence⁹ to justify allocating specific land in this location as part of this Plan Review?

Q4.8 How would Policies LPRSS1 and LPRSP5 and 5(a) be applied were planning applications for major development to come forward within the safeguarded area? In terms of the clarity of the policy, is it evident how a decision-maker should react to development proposals (NPPF paragraph 16d)? How would a decision maker implement part 2 of Policy LPRSP5(a) in terms of determining whether a proposal would prejudice delivery of a new highway? Does the proposed modification (page 11, LPRSUB011) assist in this regard, including the proposed introduction of a new part 3?

Q4.9 How will the area be 'masterplanned' as sought in part 2 of Policy LPRSP5(a), so that development proposals come forward in a coherent manner to deliver sustainable well-designed development which is supported by appropriate infrastructure and coordinated in a way to cost-effectively deliver required highway infrastructure?

Q4.10 Paragraph 6.92 of the submitted Plan refers to the role of a future development plan document to guide development in this area. What is the Council intending at paragraph 6.92?

Q4.11 Overall, is the submitted Plan justified and effective in its 'safeguarding' approach to the Leeds-Langley Corridor as a location with development potential, which could enable the delivery of a new highway link from the A274 to M20 Junction 8? Do the proposed modifications (page 11 of LPRSUB011] address soundness concerns raised?

Issue 2: Whether the Invicta Barracks is justified as a strategic development location within the plan period and whether the policy framework at LPRSP5(b) would be effective and consistent with national policy in securing sustainable development?

⁹ LPR1.76 Stantec Report, LPR1.77 Aspinall Verdi Viability Report, SLAA

Q4.12 What is the basis for the scale of development proposed and is this justified? Does ongoing technical evidence [see documents LPR5.8 - 5.19] indicate that an alternative quantum of development could be sustainably accommodated on the site?

Q4.13 If the site is to be released by the Ministry of Defence during the plan period, and doing nothing is not an option, are there any reasonable alternative uses for the site other than a residential-led redevelopment?

Q4.14 Given the character of the site, notably the Grade II* Park House, the sylvan parkland setting and topography, is the allocated capacity of the site justified? Would it result in harm to the setting of Park House and any other heritage harm? How would this harm weigh against any public benefits arising from the proposed allocation?

Q4.15 Are the specific policy requirements justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?

Q4.16 Would a Supplementary Planning Document to masterplan site delivery be a justified and effective approach in terms of: (i) making the most of the opportunities to secure sustainable development in a coherent way; and (ii) creating high quality places and environments?

Q4.17 Does Policy LPRSP5(b) identify all appropriate and necessary infrastructure requirements? How will these be provided and funded?

Q4.18 Is the policy sufficiently clear regarding any on-site education infrastructure¹⁰?

Q4.19 When is delivery realistically likely to commence on the site? What is the likely trajectory for annual delivery on the site during the plan period based on site release in 2029? Is there potential for discrete development parcels to be released at an early stage?

Q4.20 Are any main modifications necessary for soundness in relation to Invicta Barracks, including any of those presented in document LPRSUB011 (pages 11-13)?

Issue 3 - Policy LPR5(c) - Lenham Broad Location

Reserved for Stage 2

Matter 5 Economic Growth and development

Policies LPRSP11, role of 2017 Local Plan employment and mixed-use allocations, LPRSAEmp1 (RMX1(4) (Syngenta Works, Yalding), LPRSA151 (Mote Road, Headcorn) and LPRSA260 (Ashford Road, Lenham) and Policies LPRCD1-7 and LPRTL1&2

¹⁰ Noting proposed modification in LPRSUB011 regarding a new point 13 to the policy.

Reserved for Stage 2

Matter 6 Maidstone Urban Area

Policies LPRSP1, LPRSP2, LPRSP3 and LPRSA sites in Maidstone (listed at Table 8.2 of the Plan) including but not limited to LPRSA265 Land at Abbey Gate Farm, LPRSA362 Police HQ, Sutton Road and Maidstone town centre sites.

Reserved for Stage 2

Matter 7 Policy Framework and Site Allocations for the Rural Service Centres, Larger Villages, Smaller Villages and the Countryside

Policies LPRSP6, LPRSP7, LPRSP8, LPRSP9 and related housing site allocations in Table 8.2

Reserved for Stage 2

Matter 8 Housing delivery

At Stage 1 – initial high-level consideration of the ability of the submitted spatial strategy to ensure a deliverable and developable supply of housing land.

Reserved for Stage 2 – further consideration of deliverable supply plus Policies LPRSP10 (Affordable Housing and Housing Mix), approach to meeting the needs of Gypsies and Travellers and Policies LPRHOU1-11.

Issue 1: Whether the approach towards the supply and delivery of housing land is justified, effective, consistent with national policy and positively prepared?

Please Note:

As part of the Stage 1 hearings, the Inspector wishes to obtain an overview as to the ability of the submitted spatial strategy to meet the requirement to identify a supply of specific, deliverable sites for years one to five and a supply of specific, developable sites or broad locations for years 6-10 and 11-15 of the Plan. Subject to the outcome of Stage 1, it is likely that Stage 2 hearings will revisit matters of housing land supply to enable further consideration of the evidence on non-strategic allocations etc.

Those with an interest in housing delivery and deliverable supply should note the Inspector's related Initial Questions in document ED2 and the Council's agreement in document ED4 to prepare a Housing Delivery and Land Supply Topic Paper which is due early August.

Q8.1 Paragraph 5.8 of the Plan sets out the components of supply but it does not set out how the housing requirement will be delivered. In terms of the following:

- (i) How will a five-year deliverable supply be measured in Maidstone to guide future decision-making, including an appropriate 5% or 20% buffer as per NPPF paragraph 74 and confirmed by the latest Housing Delivery Test results?
- (ii) Is the housing trajectory evidenced in terms of the expected rate of delivery, including, where appropriate, the anticipated rate of development for specific sites (for example - the Garden Settlements, strategic development locations, Maidstone Town Centre) as well as supply from other sources (for example – permissions, non-strategic allocations and windfall)? [The trajectory should be supported by a table summarising annual delivery numbers over the plan period from the various sources¹¹].
- (iii) Should the trajectory meet need on a constant annual housing requirement over the plan period¹² or should it be specifically profiled (stepped) to reflect circumstances in Maidstone? The submitted trajectory indicates a ‘step-down’ following a significant early over-provision (in 2022/23), is that justified? Is there any evidence (justification) in Maidstone that would support an alternative trajectory (for example stepped, because of the significance of strategic sites (with appreciable lead-in times) to deliver an appropriate strategy)?

Q8.2 As of 1 April 2021 (or 1 April 2022) what is the five year housing land supply requirement in Maidstone?

Q8.3 What assumptions have been applied in the SLAA or other site specific evidence terms of (i) the density/capacity of site allocations; (ii) the lead-in times for sites with permission but not started (including any differentiation between full and outline permissions or where there is resolution to grant subject to a legal agreement); (iii) lead in times for the proposed site allocations; (iv) lead in times for the Garden Settlements and strategic development locations; and (v) annual rates of delivery (including any differentiation by scale of site).

Q8.4 In respect of Heathlands are anticipated annual housing delivery rates reasonable in the context of market appetite in combination with the Lenham Broad Location development and other allocations in Lenham and Harrietsham etc?

Q8.5 Do any of the proposed site allocations now have planning permission as of 1 April 2021 (or 1 April 2022)?

Q8.6 Would at least 10% of the housing requirement be met on sites no larger than one hectare (NPPF paragraph 69)?

Q8.7 In determining deliverable supply has any allowance been made for non-implementation and if so, is it justified?

¹¹ Appendix 1 to the Plan should expand on LPR1.8 and provide under the aggregate ‘annual completions’, individual lines for key sources of supply that will sum to the annual totals.

¹² Indicated on page 46 of LPRSUB011 as a potential modification

Q8.8 Is there compelling evidence to make an allowance for windfall housing in the plan period as per NPPF paragraph 71? Is the windfall figure at paragraph 5.8 of the Plan (2,738 dwellings over the plan period) soundly based?

Q8.9 Does the approach to windfall avoid double counting with other sources of supply? Does the housing trajectory reflect the profile of windfall presented on p37 of the SLAA (which excludes windfall in years 1-3)?

Q8.10 Overall, would the submitted plan provide for a robust five year supply of deliverable housing land on plan adoption?

Q8.11 Overall, would the submitted plan identify a developable supply in years 6-10 that would likely maintain continuity of a deliverable supply (i.e. in years 6 & 7) as part of ensuring a plan-led system?

Q8.12 Would the policies and proposals of Plan provide sufficient flexibility (contingency) to ensure the delivery of a sufficient supply of homes so that the spatial strategy and housing policies of the plan remain up-to-date, particularly in the short to medium term?

MATTER 9 Transport, Infrastructure and Plan viability

Policies LPRSP12, LPRSP13, LPRTRA1-4 and LPRINF1-4 and Plan Viability Assessment [document LPR5.1]

Reserved for Stage 2

Matter 10 The Environment, Heritage and Climate Change

Policies LPRSP14, LPRENV1-3

Reserved for Stage 2

Matter 11 Achieving Good Design

Policy LPRSP15 and LPRQ&D1-7

Reserved for Stage 2

Matter 12 Monitoring and Review

Section 10 of the submitted Plan

Reserved for Stage 2

Ends.