

Examination of the Maidstone Local Plan Review
Inspector: David Spencer BA(Hons) DipTP MRTPI

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25 July 2022

Mr. Richard Thompson,
CPRE Kent

By email only:

Dear Mr. Thompson,

Maidstone Local Plan Review Examination

1. Thank-you for your letter of 15 July 2022 on behalf of Lenham Parish Council. Similar correspondence has also been submitted to the Programme Officer by Kent CPRE.
2. As requested, and in the interests of transparency, your correspondence of 15 July 2022 and this response will be uploaded on to the examination website. You raise matters of process which have similarly occupied my thoughts following plan submission. In particular, the identification in the Council's Regulation 22 statement [LPRSUB004] that the Council intended to submit additional evidence during the examination in response to representations raised during the Regulation 19 consultation. My initial questions and subsequent correspondence of 27 June 2022 have generally sought clarification from the Council on the evidence it intends to submit and the timeframe. As the examination progresses, it may well transpire that I identify the need for further evidence in response to a particular soundness issue. The Maidstone Plan Review examination is not unique in this regard.
3. There are three principles I would like to set out in this letter which have had a bearing on my timeframe to proceed to stage 1 hearings in September. A number of these repeat what I have previously set out in my correspondence of 27 June [ED5]:

[i] There is nothing unusual or irregular with Council's submitting additional evidence, entering into statements of common ground or suggesting proposing changes to the Plan after its submission. Procedural fairness is, however, critical.

4. From plan examination experience elsewhere, additional evidence can be submitted prior to hearings, it can also be offered during the hearings and produced after the hearings (at the Inspector's request). What is important

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is that where additional evidence is accepted into the examination, and in particular where it results in proposed main modifications to the Plan, there is a fair opportunity for affected parties to respond. There may be scope to orally respond at hearings, or alternatively it may be more appropriate through additional written submissions following the hearings, including potentially as part of any consultation on proposed main modifications. I re-emphasise here, that both oral and written submissions both carry equal weight in my deliberations on plan soundness.

5. If the additional evidence indicates that a significantly different plan to the one which was submitted would be required for soundness that would certainly require further consultation on the evidence after the Stage 1 hearings and very likely a further round of hearings.

[ii] The examination needs to proceed with appropriate pace. The starting point for the examination should be that the Council has submitted what it considers to be a sound plan.

6. I have thought about holding the stage 1 hearings later in 2022 to allow for the Council's additional evidence to be fully compiled and integrated into the initial hearings. My concern, however, is that all too often, and despite good intentions and for no particular fault, timeframes for additional evidence can slip and the examination is no further forward. One of the fundamental issues for the examination is the soundness of the foundations of the proposed spatial strategy. This needs to be considered sooner rather than later – including the rationale for a strategy comprising two proposed garden communities at their respective locations and the strategic development locations at Maidstone (as opposed to the alternatives that have been appraised and/or suggested). That is why I have opted for a staged approach to the hearings. Without prejudice, if the starting point for the spatial strategy were found not to be sound, that would need to be addressed before any time and resource is expended examining the detail of the other policies in the Plan.
7. I acknowledge that there is a likelihood that some additional evidence from the Council may be offered with very little time for myself and others to properly consider it and respond to it as part of the Stage 1 hearings. Were this to occur, procedural fairness will be at the forefront in determining if and when this material is submitted into the examination. Nonetheless, a significant amount of the Council's proposed additional material is due to be submitted by the end of this month (July). Under that scenario there would be approximately 3 weeks before the deadline for statements and some 6-7 weeks before the hearings. The bulk of the evidence in support of the proposed spatial strategy was provided on Plan submission at the end of March 2022.
8. Depending on the timing of outputs from the Council, plus any additional evidence that may be requested as part of the hearings, I am, in principle, receptive to additional consultation as part of the examination and the possibility of holding further hearings to follow-up any particularly significant

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matters in relation to the spatial strategy. This could take the form of either 'Stage 1b' hearings or possibly combined as part of any later Stage 2 hearings. Eventually, the Regulations allow for proposed main modifications to the Plan to address matters of soundness. Any proposed changes (and related additional or new evidence) would be consulted on for at least 6 weeks. If the proposed main modifications consultation reveals further significant issues, I will have the ability to hold further written exchanges or hearings, if required.

[iii] The Government's Planning Practice Guidance (PPG) states: "Inspectors will need to work proactively with the local planning authority" during the examination¹.

9. The PPG envisages Inspectors taking a pragmatic approach in enabling Council's to put a sound plan in place. With the PPG in mind, it would be imprudent not to give the Council an early opportunity through a hearings process to set out why the proposed spatial strategy should be considered sound (with or without modification). My role is to assess whether the submitted Plan (as consulted on in Autumn 2021) is sound, and if not, what modifications would be necessary to make it sound.
10. As set out in my previous correspondence to the Council, much of what is currently proposed to be submitted to the examination is at the Council's instigation (and risk). That said, it would appear to be seeking to address soundness concerns set out in the Regulation 19 representations of various consultees, not least, National Highways, Natural England and the Kent Downs AONB Unit (amongst others). As part of the Stage 1 process, there is the scope to explore whether soundness issues could be resolved by additional evidence (either that which the Council is currently working on or possibly other additional, technical work). The follow-up is whether the additional work would reaffirm what is in the submitted plan or would result in proposed changes. Conversely, there may well be those who will reason in response to my questions and at the hearings that additional work is unlikely to address their concerns with the submitted plan and as such an alternative spatial strategy would be required for plan soundness.
11. As a final point I would like to clarify that when additional evidence from the Council is uploaded on the examination website it done so with my authorisation. I would encourage those with an interest in the examination to regularly look at the website and the helpful 'Latest News & Updates' section.

Yours sincerely,

David Spencer

Inspector.

¹ Paragraph 61-050-20190315 from the PPG 'Plan-Making' section

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cc.

Mark Egerton, Strategic Planning Manager, Maidstone Borough Council

Mr. Simon Bell, Counsel

Parish Clerk, Lenham Parish Council