

Examination of the Maidstone Local Plan Review
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By email only

Mr Mark Egerton
Strategic Planning Manager
Maidstone Borough Council

Dear Mr Egerton,

1. Thank you for your letter and various attachments provided in response to my initial letter and questions [ED2] and within the deadline requested. Your letter seeks various clarifications. I provide my response as follows.
2. Firstly, your letter of 24 June and the various attachments should be uploaded on the examination website. Specifically, please take this letter as my agreement that the Council can submit the Maidstone Landscape Capacity Study – Sensitivity Assessment 2015 (your appendix 4) as requested at paragraph 66 of your letter.
3. I am not inviting anyone to comment on the additional information provided at this stage. There will be an opportunity for comment on this additional material as part of any optional statements in response to my Matters, Issues and Questions for Stage 1 (due to be published very shortly) or orally at the forthcoming hearing sessions.

Additional Evidence and timetable for hearings

4. A significant part of my initial letter was to clarify with the Council as to when additional evidence referred to in the submission material would be likely to be available. Table 1 below summarises my interpretation of ongoing work and the likely availability. I have necessarily kept the timeframes indicative.

When	What
Early July 2022	Statement of Common Ground with Medway Council
Early July 2022	Interim Strategic Road Network Assessment for Lidsing
Early-Mid July 2022	Updated Housing Topic Paper
Mid-late July 2022	Update to Habitats Regulation Assessment re nutrient budgets and revised Natural England methodology (March 2022)
Mid-Late July 2022	Revised outputs for highway modelling for Heathlands
Mid-Late July 2022	Potential updates to Statements of Common Ground with Natural England and Kent Downs AONB

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Mid-Late July 2022	Further landscape capacity assessment and governance/delivery arrangements for Lidsing
Mid-Late July 2022	Additional delivery evidence for Heathlands including revised nutrient budgets, employment land strategy, railway station feasibility, landscaping and highway modelling updates.
Mid-Late July 2022	Statement of Common Ground with Defence Infrastructure Organisation (DIO) re Invicta Barracks
Mid-Late July 2022	Leeds Langley Corridor Topic Paper
Mid-Late July 2022	Working arrangements for strategic site delivery
Mid-Late July 2022	Potential Statement of Common Ground re. minerals matters at Heathlands
Mid-Late July 2022	Proposed main modification to clarify 'saved' policies
Early August 2022	Transport Assessment Package for Lidsing
Early August 2022	Housing Delivery and Land Supply Topic Paper
September 2022	Design review of M2 Junction 4 proposals
September 2022	Potential Statement of Common Ground with Annington Homes re Invicta Barracks
September 2022	Potential Statement of Common Ground with major site owners in the Leeds Langley Corridor
September 2022	Additional highway modelling/mitigation and Air Quality material

Table 1. Council's potential additional evidence.

5. The starting point for the examination is the Local Plan Review document and the accompanying evidence as submitted on 31 March 2022. Invariably, plan examinations are presented with additional evidence from Council's post submission and/or hearing sessions identify the need for Council's to undertake additional work. It may well be that the work the Council is currently engaged with would have arisen in any event as an 'action' during initial hearing sessions. Consequently, I am not dissuading the Council from progressing this additional evidence but I will be giving careful attention to: (i) if and when it can be submitted into the examination; and (ii) matters of fairness, in particular, giving those representors who have objected to the soundness of the Plan the opportunity to respond to any further Council evidence (in addition to the standard ability to comment on proposed main modifications and accompanying material).

6. I have given careful thought as to whether to alter the examination timetable to wait for the additional evidence the Council has highlighted. In my view it remains expedient that the examination moves forward to consider some core strategic matters sooner rather than later, based in very large part on the material already submitted in March 2022. This includes the examination of:

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- (i) Matters of legal compliance (consultation, Duty to Cooperate, Habitat Regulations and over-arching approach to Sustainability Appraisal);
 - (ii) The soundness of the identified housing, employment and retail requirements (and plan period) in submitted Policy LPRSS1.
 - (iii) The over-arching spatial strategy in LPRSS1 including, but not limited to:
 - (a) whether the submitted spatial strategy would be an appropriate strategy, taking account of the reasonable alternatives
 - (b) the settlement hierarchy identified in Policy LPRSS1 – including the justification for those settlements identified as Rural Service Centres; Larger Villages; and Smaller Villages.
 - (c) The key sustainability, suitability and delivery issues of the proposed new settlements at Heathlands and Lidsing at Policies LPRSP4(a) and 4(b) (NPPF paragraph 73);
 - (d) the approach east of Maidstone (Leeds Langley Corridor – LPRSP5(c));
 - (e) the broad principle and approach to the Invicta Barracks site LPRSP5(b); and
 - (f) Plan delivery – a preliminary consideration of the approach to site selection and the submitted housing trajectory, including the approach to having a deliverable supply on plan adoption that is likely to endure as part of a plan-led system.
7. The above matters would form the basis of Stage 1 Hearings in September. The outcome of the Stage 1 hearings will determine progress to Stage 2 hearings. Matters for discussion at Stage 2 would include, amongst other things: residual matters from the Stage 1 hearings (which may include additional evidence/Inspector requests); the detail of strategic policies not identified in paragraph 6 above; the proposed site allocation policies in Maidstone, the Rural Service Centres and the Villages; the development management policies; overarching plan viability and further consideration of delivery and the housing trajectory.
8. I will be setting out further detail on the staged approach to the hearings outlined above in my forthcoming **Guidance Notes** which will accompany my **Matters, Issues and Questions** for the Stage 1 hearings. I am looking to issue these towards the middle/end of next week.

Statements of Common Ground

9. My initial letter outlined potential further statements of common ground. I need to clarify that statements of common ground submitted during the examination should relate to matters of plan soundness and not be conflated with those statements of common ground submitted under the auspices of the Duty to Cooperate [document LPR1.59]. With that in mind and in response to paragraph 76 of your letter I am amenable to 'updated' statements of common ground, including with Natural England and Kent Downs AONB Unit, provided they only deal with or update matters relating

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to plan soundness and/or compliance with Habitat Regulations. That originally submitted statements (as part of LPR1.59) are not removed from the examination library. Any 'updated' or new statements of common ground would be added as Examination Documents and given an 'ED' reference. For any updated statements, they would need to be distinguished from any predecessor document by clearly identifying which parts of the statement have been updated/amended. The updated statement would need to be re-signed and dated.

Housing Delivery / Trajectory

10. I am pleased to read that the Council will prepare a topic paper on housing delivery, which will inform hearing discussions on this matter, including a preliminary discussion on the matter as part of the Stage 1 hearings in September. It is an imperative matter of plan soundness that there is a supply of specific, deliverable housing sites for years one to five of the plan period and that there is a reasonable prospect that the situation will endure into years 6-10 of the plan through specific, developable sites or broad locations. In response to paragraph 101 of your letter I am not advising that a stepped trajectory (based on later delivery) would be necessary for plan soundness at this stage and that the topic paper should be prepared on this basis only.
11. As submitted, the trajectory at page 286 of the Plan (Appendix 1) is 'stepped' in the sense that it appears to reflect appreciable net over-provision in the first five years (notably in 2022/3) and to then step the target down for years 6-15. The starting point for the Topic Paper would be to explain the soundness of the submitted trajectory and the detail behind it. Local Plans should be starting from the premise of releasing land at a rate simultaneous (or better where sustainable to do so) to meeting housing needs (plus any contingency). I would like the housing topic paper to clarify whether this is feasible in Maidstone on the basis of the extant permissions, windfall allowance and the mix of allocations presented in the submitted plan.
12. I would then like the Topic Paper to turn to potential alternative trajectory options and for the Council to outline (possibly only briefly at this stage) whether these alternatives would be reasonable in a Maidstone context.
13. The first alternative option would be to amend the submitted trajectory to make year 1 of the plan 2021/22 such that there would be a year's worth of actual delivery data and to then extend the plan period to 2037/38 (NPPF paragraph 22). Together with any brief commentary on whether that would be reasonable and what the consequences might be.
14. The second alternative option would be a 'constant' target over the plan period as submitted and alternative plan period (2021/22 – 2037/38). Together with any brief commentary on whether that would be reasonable or not and what the consequences might be.

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15. The third alternative option would be a 'stepped' trajectory were delivery to be backloaded /re-profiled based on evidence/justification. As your letter of 24 June identifies, there would need to be specific reasoning to justify a 'back-loaded' trajectory. As outlined in my initial letter at IIQ19 at this stage of the examination I would like to understand whether there is a case (or not) for an alternative stepped trajectory.
16. The Topic Paper should be prepared on a 'without prejudice' basis in the spirit of informing the examination (a) whether the submitted trajectory is soundly based; (b) what the trajectory would look like were the plan period to be modified; and (c) alternative options to the submitted trajectory and any potential Maidstone Borough specific basis for doing so. It may well be that the Topic Paper will need to be supplemented as the examination progresses such that it may well be a somewhat 'live' document.

Moving Forward

17. I trust this letter clarifies those specific points raised in your letter for my attention. If you require any further clarification please raise it through the Programme Officer. I am grateful that a summary spreadsheet of all the Regulation 19 representations was made available on the examination website earlier this month [Document ED3]. This will greatly assist the examination process. I am also pleased to understand that the Town Hall in Maidstone will be available to accommodate the Stage 1 hearings.

Yours sincerely

David Spencer

INSPECTOR.