

### Session 1A – Legal & Procedural Matters

#### Inspector's Question 1.2

As part of DtC engagement have Sevenoaks or Tunbridge Wells Councils in west Kent indicated to MBC how they might address a housing needs assessment if they are not capable of being accommodated within their own areas due to Green Belt and other constraints?

#### Council's response:

1.2.1 Both Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC) are in the early stages of preparing new Local Plans, and evidence base work remains ongoing. The first consultation exercises (under Regulation 18 of the Local Plan Regulations 2012) are not anticipated until next year, and the authorities' current Local Plan timetables indicate adoption of the new SDC Local Plan in summer 2019 and adoption of the new TWBC Local Plan in early 2020.

1.2.2 Given the stage of the Local Plan making process each of these authorities is at, it is clearly too early to say with any certainty whether or not there will be any unmet housing need arising from their new Local Plans. For instance, neither authority has published an assessment of housing land availability. The Council can confirm that neither SDC nor TWBC have indicated to MBC how they might address any unmet housing needs, should that situation indeed arise. To date, neither authority has requested that MBC accommodate any unmet housing need within Maidstone Borough.

1.2.3 One significant element of the emerging SDC/TWBC evidence base is a joint Strategic Housing Market Assessment (SHMA) which was published in September 2015 (ORD 037). The SHMA's conclusions on housing market geography are broadly consistent with the MBC SHMA (undertaken jointly with Tonbridge and Malling Borough Council (TMBC) and Ashford Borough Council (ABC)) and affirm that Maidstone Borough sits outside of the housing market area for SDC and TWBC.

1.2.4 Paragraph 2.72 of the Sevenoaks & Tunbridge Wells Strategic Housing Market Assessment (2015) sets out that:

*"If an unmet housing need arises from either of the commissioning authorities, it would be appropriate for them to approach other authorities with which they share an HMA [housing market area] to consider if needs can be met in these areas. The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother."*

1.2.5 Whilst it is far from clear at the present time whether or not there will be any unmet housing needs arising from either SDC or TWBC, the Council would expect these authorities to look to accommodate any unmet need within the identified housing market area.

1.2.6 To assist the Inspector, the Council has prepared a Statement of Common Ground with TWBC (SUB 015) which confirms the agreed position that Maidstone Borough and Tunbridge Wells Borough lie within separate housing market areas.

### **Inspector's Question 1.3**

Would under-provision in west Kent be likely to affect the geography of housing market areas? In particular, would those unable to be accommodated locally (including London Commuters) seek to look in other areas (including Maidstone) with knock on consequences for their own residents such as possible unmet demand towards Ashford)?

#### **Council's response:**

1.3.1 As set out above, the emerging SDC and TWBC Local Plans are not sufficiently progressed to reach any conclusions regarding whether or not any unmet housing need may arise from either Local Plan. TWBC has confirmed this position in the Statement of Common Ground (SUB 015). Should this situation arise, the Council would expect these authorities to look to accommodate any unmet need within the identified housing market area. The National Planning Policy Framework (NPPF) does not provide for authorities to meet any unmet housing needs outside of identified housing market areas.

1.3.2 In the event that either of these authorities cannot meet their full objectively assessed housing needs with their area, and that any unmet housing needs cannot be met in full elsewhere within the identified housing market area, it is considered highly unlikely that any residual under-provision would result in fundamental changes to the geography of housing market areas. The key factors informing the geography of the functional housing market areas across the wider region, such as commuting and migration patterns and house prices, are well established and any residual unmet need is unlikely to affect these existing dynamics in any significant way.

1.3.3 The Council recognises that high house prices and limited supply in West Kent and London may result in households seeking accommodation in Maidstone, but cannot see how this situation is different to that which exists now; and has influenced the evidence base on need which underpins the Local Plan. Constraints such as Green Belt are not new factors, and are likely to have affected past trends and inter-relationships between areas.

1.3.4 At present however, the scale of any unmet housing need from west Kent – if indeed there proves to be any at all – is unknown, and the precise impacts of any under-provision on housing market geography would be a matter for future SHMAs. The existing evidence on housing market geography provides broadly consistent evidence across five local authority areas in the west and mid-Kent areas, and confirms that Maidstone Borough lies outside of the SBC/TWBC housing market area. TWBC has confirmed this position in the Statement of Common Ground (SUB 015).

### **Inspector's Question 1.4**

As the west Kent Local Plans remain at an early stage without defined housing targets, should this issue lead to a request to accommodate additional housing can it be left to the first review of the Maidstone Borough Local Plan?

## **Council's response:**

1.4.1 The Local Plan sets out a strategy to meet, in full, the identified objectively assessed need for housing within the Council's administrative boundaries. In preparing the Local Plan, no requests to accommodate any unmet need have been received from authorities with overlapping housing market areas (TMBC and ABC) and no such requests have been received from either TWBC or SDC. The Local Plan strategy is therefore based on the circumstances and evidence available at the point of submission.

1.4.2 Since the Local Plan was submitted these circumstances remain unchanged and TWBC has confirmed its position through the Statement of Common Ground (SUB 015). Accordingly, there is no evidence or basis on which to make any adjustments to the identified objectively assessed need for housing in regards to unmet housing needs from other authorities.

1.4.3 The Local Plan establishes that the Council will commence a review of the Plan by 2022. This timescale would allow for the setting of housing targets for TWBC and SDC through the adoption of their Local Plans, which can inform any reassessment of housing needs undertaken as part of that review. A review of the Local Plan is the correct and only mechanism to amend the housing target, and to make any other attendant changes, in response to a confirmed unmet need generated from elsewhere.

## **Inspector's Question 1.6**

Has MBC sought information from the adjoining Boroughs as to their own employment land supply positions?

## **Council's response:**

1.6.1 The Local Plan aims to ensure the economy's needs for additional employment land will be met on sites within the borough and not beyond it. This positive approach is considered to properly reflect the Framework's Core planning principle with respect to meeting development needs, namely that planning should;

*"Pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities." (paragraph 17; emphasis added)*

1.6.2 This position is reiterated at paragraph 21 of the Framework which, amongst other things, requires Local Plans to;

*"set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period". (emphasis added)*

1.6.3 The onus of the Framework is that, wherever possible, development needs should be met within the borough. It is the Council's view as expressed through the Local Plan that development can be acceptably accommodated at Land at Woodcut Farm subject to the

criteria in Policy EMP1(5) being met. If needs can be accommodated, with acceptable mitigation for any adverse impacts, this should be the first choice above any potential alternatives which would rely on delivery on land outside the borough for which the Council is not the local planning authority and therefore has no influence or control.

1.6.4 The over-riding purpose of the employment land approach in the Local Plan is to provide a greater range and choice of location opportunities and types for businesses within Maidstone, making the most of the infrastructure assets the borough benefits from in order to respond to employment growth opportunities. The approach is proposed to overcome the identified gap in the borough's portfolio of employment land for a mixed use site well located relative to the strategic road network (ECON 002, pages 83-84). The EMP1(5) allocation would therefore offer an opportunity for existing business to remain and grow within the borough, retaining employment and skills, as well as a location for new inward investment.

1.6.5 The Duty to Co-operate statement (SUB 008) confirms that MBC initially explored co-operation on employment land matters with adjoining authorities in mid-2013. Subsequent to this, the Council commissioned up to date evidence of both its quantitative and qualitative needs for employment land (ECON 001 and 002) and it is this economic evidence upon which the Local Plan is based. Informed by this evidence, the Council's position is that that the balance of considerations weigh in favour of making the allocation at Woodcut Farm as proposed under Policy EMP1(5).

1.6.6 Commentary on the adjoining authorities planning strategies for employment is provided in Economic Sensitivity Testing and Employment Land Forecast (ECON 001) (pages 3-9).

1.6.7 None of the neighbouring authorities has asked the Council accommodate any of their employment land needs within Maidstone borough. Equally, none of the adjoining authorities has raised concerns about the Local Plan's employment land strategy, and specifically the EMP1(5) allocation, either through Duty to Co-operate discussions or through their consultation responses to the Local Plan (Regulation 18 October 2015 and Regulation 19 February 2016).

1.6.8 To address the contention that there is clearly available industrial floorspace in adjoining boroughs, the Council has obtained up to date information from its neighbours on employment land supply.

1.6.9 Tonbridge & Malling BC: TMBC has undertaken an Employment Land Review (December 2014). This study identifies that there is a need to identify between 3 and 33ha of additional employment land (Classes B1c/B2/B8) in addition to retaining well-functioning existing sites to meet the borough's own forecast needs for the period up to 2031. The evidence does not identify there is an oversupply of suitable employment land. The Tonbridge & Malling Local Plan 'Issues & Options' document which was agreed by TMBC's Cabinet for public consultation on 6th September<sup>1</sup> has identified some potential additional sites. Public consultation on this document is due to commence on 30th September.

1.6.10 Swale: The Swale Borough Local Plan is at Examination. Public consultation on a schedule of proposed Main Modifications closed on 8th August. The Local Plan allocates sites to meet both quantitative needs for some 60 ha of additional land and also specific allocations to meet identified qualitative needs. SBC's position is that these allocations meet evidential

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<sup>1</sup> <https://democracy.tmbc.gov.uk/ieListDocuments.aspx?Cid=146&Mid=3119&Ver=4>

requirements and provide a sufficient range and choice of sites to meet different sector and occupier needs and give a balance of supply across different locations in the borough. SBC considers that the approach provides an appropriate degree flexibility and contingency to respond to changing market demand, including that associated with a higher economic growth scenario. In her interim findings (March 2016)<sup>2</sup> the Swale Local Plan Inspector has endorsed the overall approach, confirming that the borough has sufficient employment land supply.

1.6.11 Ashford: Ashford BC has published the Ashford Local Plan 2030 for Regulation 19 consultation in June 2016. The consultation period closed on 10th August. The Local Plan carries forward employment land allocations from previous Plans on the basis that these will be sufficient to meet overall requirements to 2030. In allocating this package of sites, the Local Plan seeks to provide a choice of locations across the borough to provide for a range of different business needs and to support competition and choice within the market.

1.6.12 Medway: Medway completed an Employment Land Needs Assessment (December 2015) as part of its Strategic Housing and Economic Needs Assessment. This study considered the existing employment land portfolio as well as future needs and identifies a future requirement for additional employment floorspace across all the Class B sectors. Medway is at an early stage of plan preparation. An Issues and Options consultation document was published in January 2016 which set out high level issues. Medway has not as yet set out what the employment land strategy for Medway would be, including the role for existing employment land in meeting future needs.

1.6.13 Tunbridge Wells: An Employment Land Review was completed for Tunbridge Wells Borough in 2010. This found that there was no requirement for significant additional employment land to be identified during the Plan period (to 2026) as there was still sufficient capacity within existing employment areas to accommodate forecast requirements. The study concludes that the borough had a generally balanced provision for employment land at the time with no requirement for significant additional land and, equally, no demonstrable over supply.

1.6.14 TWBC is currently undertaking a new Economic Needs Study which will cover the period to 2033/35.

1.6.15 It is apparent that that adjoining authorities are at different stages in the plan preparation process. Tunbridge Wells BC is at the stage of gathering evidence and has not yet concluded on future employment land needs. The Local Plan documents which Swale, Ashford, and Tonbridge & Malling BCs have prepared all identify the need to retain existing allocated employment land and to allocate additional land to better meet their own identified needs over their respective plan periods. Medway is determining what its approach should be and its evidence indicates that additional land will be needed. Taken as a whole, adjoining authorities are taking positive steps to ensure sufficient land to meet their own identified needs and this does not support the contention that there is a surfeit of employment land in adjoining authority areas.

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<sup>2</sup> <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Interim-Findings-2016/ID-9d-Inspectors-Interim-Findings-Part-3-1.pdf>

## **Inspector's Question 1.7**

Does transport infrastructure qualify as a cross border strategic matter?

### **Council's response:**

1.7.1 The Local Plan sets out a series of transport infrastructure measures identified as necessary to mitigate the impact of planned development on the highway network and to support sustainable transport as part of development proposals. These can generally be categorised in one of three ways: highway improvement schemes (such as junction or road capacity improvements), public transport schemes (such as rail station improvements or bus frequency measures) and walking and cycling schemes (such as footways or cycle lane provision).

1.7.2 Given the strict tests which apply to the use of section 106 planning obligations, the majority of the transport mitigation identified is directly related to development and proportionate to the impact of development. The overwhelming majority of the schemes identified in the Local Plan therefore provide mitigation in the immediate locality of development sites; for instance, to an adjoining footway or a nearby road junction. Accordingly, there are very few schemes which are considered to be of a wider strategic importance within Maidstone Borough, and fewer still which have any potential to give rise to any significant cross border impact. The Local Plan does not identify any regionally significant transport infrastructure schemes of the scale identified in nearby boroughs such as the new M20 J10a, the Lower Thames Crossing or the Operation Stack Lorry Park.

1.7.3 The transport impacts of development proposed in the Local Plan are generally considered to be localised therefore, and neither Kent County Council (KCC) nor Medway Council (the two Highway Authorities) have raised any objections regarding the potential for cross border impacts in their Regulation 20 representations to the Local Plan. Further, none of the Council's neighbouring authorities have raised any objections on either transport or Duty to Cooperate grounds in their Regulation 20 representations to the Local Plan.

1.7.4 Despite regular Duty to Cooperate discussions, and an extensive transport evidence base, the only development for which transport infrastructure improvements located outside of the borough are identified is at the North West Maidstone Strategic Development Location. Improvement schemes are identified for the junction of A20/Hermitage Lane, the Coldharbour Roundabout and the M20 J5, all of which are located within Tonbridge and Malling Borough.

1.7.5 Three of the four development sites (representing 970 of the total 1157 dwellings) which comprise the North West Maidstone Strategic Development Location have already received planning permission, and significant funding has been secured towards delivery of the infrastructure improvements. As documented in the Duty to Cooperate Compliance Statement (SUB 008) at paragraphs 3.1.33 – 3.3.36 the Council has engaged with TMBC and KCC in regards to the provision of highways mitigation in this area, and schemes acceptable to both authorities, and the Highway Authority, have been agreed.

1.7.6 Through discussions between the Council, TMBC and KCC it has been recognised that more substantial improvements may be required to key junctions in this area over the longer term, reflecting the potential impacts of growth planned in the emerging TMBC Local Plan. As set out in the Duty to Cooperate Compliance Statement, the need for additional

improvements will be reviewed alongside the development of the TMBC Local Plan and the Council will continue to work with TMBC and KCC in this regard. Development in this part of Maidstone clearly has potential to give rise to cross border transport impacts, and therefore the Council has engaged constructively with TMBC and KCC, as documented in the Duty to Cooperate Compliance Statement.

1.7.7 The Strategic Road Network (SRN) is by definition strategic infrastructure, and any potential impacts of Local Plan development on the SRN may give rise to cross border implications. The Council has engaged with Highways England (HE) through the development of the Local Plan, and is continuing to work with HE to develop the transport evidence sought in respect of junctions 5 – 8 of the M20 motorway. As documented in the Duty to Cooperate Compliance Statement, the Council met with HE during April and May 2016 to discuss the evidence required to overcome the issues raised in HE's Regulation 20 representations to the Local Plan.

1.7.8 Following submission of the Local Plan, the Council has continued to engage constructively with HE through the commissioning and production of the M20 modelling work and a methodology for the assessment was discussed in detail during June and July. The outputs of the M20 modelling work have been shared and discussed with HE with a view to agreeing the assessment outcomes through a Statement of Common Ground by 15 September. It is now anticipated that this will be finalised in the coming days.

1.7.9 In modelling the potential impacts of planned growth on these key junctions, the Council has held constructive discussions through July and August with neighbouring authorities, including TMBC and Swale Borough Council (SBC), and KCC, to ensure that the work takes account of potential growth in these areas and how it may affect the motorway junctions. Cooperation between the Council, neighbouring authorities, and HE in regards to this strategic infrastructure should therefore ensure that the work provides a consistent assessment across a much wider area and provides an appropriate basis for the outputs to be considered in a joined-up and strategic manner.

### **Inspector's Question 1.8**

Does lack of agreement to date between MBC and Kent (and HE) on some transport issues qualify as a failure in the duty to co-operate given the history of engagement set out in the DtC compliance statement?

### **Council's response:**

1.8.1 The Duty to Cooperate Compliance Statement (SUB 008) chronicles an extensive history of engagement between the Council and KCC in regards to transport issues. The Council and KCC have worked together on various elements of the Local Plan evidence base including the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) (HOU 007), the Infrastructure Delivery Plan (IDP) (SUB 011) and the Integrated Transport Strategy (ITS).

1.8.2 This joint working has taken place at both officer and member level the Maidstone Joint Transportation Board (JTB) have considered and supported a package of highway and public transport schemes for inclusion in the ITS, as affirmed by the JTB in December 2015. At the meeting of the JTB on 23 July 2016, this position was clarified further as the Board resolved

that the key transport schemes be approved to form the basis of the transport strategy to 2022, together with a commitment to review the ITS in the future and further explain the position in regards to the South East Maidstone Strategy Link (Leeds-Langley Relief Road). The Board also resolved that this matter be referred to the relevant decision makers at KCC and MBC for approval.

1.8.3 KCC officers agreed a comprehensive list of transport schemes at the Duty to Cooperate meeting in May 2016, and this is confirmed again in the Statement of Common Ground (SUB 019) between the Council and KCC Highways and Transportation. There is broad agreement between the Council and KCC on the key transport interventions identified in the Local Plan and it is clear therefore that joint working has led to effective Local Plan transport policies.

1.8.4 KCC's Regulation 20 representations to the Local Plan confirm that they have objected to emerging Local Plan allocations on the south and south eastern approaches to the Town Centre *"on the basis that the cumulative impact of recently completed (or consented) development would have an unacceptably severe impact on the local highway network without there being sufficient certainty that mitigation can be provided and funded."* Transport improvements in the south and south eastern sectors of the Maidstone Urban Area however form part of the package approved by the JTB and are also reflected in Local Plan policies. Indeed, priority has been given to the delivery of these schemes through funding allocated to Maidstone Borough from the Local Growth Fund.

1.8.5 Whilst there may remain some disagreement in regards to the precise nature of the improvements required in this area, there is no assertion, nor evidence, to suggest that transport improvements in this part of the Maidstone Urban Area should be considered as cross border strategic matters which have a significant impact on more than one planning authority area. KCC's representations refer only to impacts on the "local highway network" and make no reference to any cross border impacts arising as a result of these developments. The 2011 Census derived Travel to Work Areas confirm that ABC, TWBC and the southern part of TMBC all sit within separate Travel to Work Areas and none of these authorities have made Regulation 20 representations on transport issues in this part of the Maidstone Urban area.

1.8.6 The Council has worked constructively with KCC, and other stakeholders, to address this issue through the development of the ITS and the Local Plan. Whilst there may remain some disagreement, it is not considered that failure to agree with KCC on this issue represents a failure in the Duty to Cooperate.

1.8.7 In regards to the cross border transport infrastructure schemes identified to serve development in the North West Maidstone Strategic Development Location, there is agreement between the Council, KCC and TMBC on the measures identified to mitigate the transport impacts. KCC's Regulation 20 representation makes no specific objections to these improvements and the recent JTB resolution confirms that these schemes are approved for inclusion in the ITS. This position is also reflected in the Statement of Common Ground (SUB 019). Again, these transport improvements are reflected in the Local Plan which demonstrates that joint working has resulted in effective Local Plan policies.

1.8.8 It is not considered therefore that any disagreement constitutes a failure in the Duty to Cooperate. There is broad agreement and alignment between the Council and KCC on the package of transport infrastructure measures required to support the Local Plan, and what



disagreement that may exist relates to localised impacts, rather than matters of cross boundary significance. Moreover, the Duty to Cooperate is not a duty to agree, and the Duty to Cooperate Compliance Statement sets out the comprehensive nature of engagement and cooperation between the Council and KCC throughout the development of the Local Plan.

1.8.9 As documented in the Duty to Cooperate Compliance Statement, HE has been a key stakeholder in the development of both the Local Plan and the ITS. Concerns were raised by HE in regards to the transport evidence base in response to the Regulation 18 consultation in October 2015, and the Council has been in regular contact with HE to discuss and resolve the issues identified. Although HE's Regulation 20 representations reflected these concerns, the Council has been working proactively and constructively with HE, KCC, and with neighbouring authorities, to progress this work to an agreed methodology and timescale. This work was instigated prior to submission of the Local Plan and is due to be completed before the examination hearings.

1.8.10 It is anticipated that the outputs of this work will address in full the concerns raised previously by HE, so as to remove any areas of disagreement that existed at the point of Local Plan Publication in March 2016. The Council will continue to work collaboratively with HE, KCC and neighbouring authorities to assess its implications, and to ensure that the outcomes of this work are reflected in effective Local Plan policies. Accordingly, it is not considered that the disagreement that existed at the time of Local Plan Publication in March 2016 constitutes a failure in the Duty to Cooperate.

### **Inspector's Question 1.9**

Has there been cross border co-operation in the review of such designations?

#### **Council's response:**

1.9.1 Landscape and gap designations in the adopted Maidstone Borough-Wide Local Plan (2000) largely reflect the Special Landscape Area (SLA) and Strategic Gap designations identified in the Kent Structure Plan from 1996, and carried forward to the 2006 Structure Plan. The 2000 Local Plan also includes a series of more local landscape designations – known as Areas of Local Landscape Importance.

1.9.2 A number of these landscape and gap designations in the 2000 Local Plan cross local authority boundaries, namely:

- The North Downs SLA;
- The Low Weald SLA;
- The High Weald SLA;
- The Maidstone/Medway Gap/Medway Towns Strategic Gap; and
- The Capstone, Darland, Lidsing Area of Local Landscape Importance.

1.9.3 Since the 2000 Local Plan was adopted, significant changes have occurred in regards to planning legislation and national policy and guidance, including the revocation of the Kent Structure Plan. In reviewing the approach to landscape and gap designations in the Local Plan therefore, it has been necessary to reassess the justification for such designations in the context of a wholly updated planning framework.

1.9.4 The Maidstone Landscape Character Assessment (ENV 001) was produced by Jacobs in March 2012 to support much earlier iterations of what is now the Local Plan. This document was subsequently updated in July 2013 to reflect National Planning Policy Framework (NPPF) requirements. The Landscape Capacity Study (ENV 014), published in January 2015, considered the sensitivity of the previously identified landscape character areas to provide a finer level of detail and to inform decision making on individual development sites. Given the purpose and scope of the Capacity Study, it was not considered to be practical or appropriate to undertake this work jointly with any neighbouring authorities.

1.9.5 The overwhelming majority of the North Downs SLA identified in the 2000 Local Plan comprises the nationally designated landscape of the Kent Downs Area of Outstanding Natural Beauty (AONB). The Council is an active member of the Kent Downs AONB Joint Advisory Committee (JAC) which provides a coordinated approach to the development of the AONB Management Plan (ORD 015) and related matters. The boundary of the AONB, as it relates to Maidstone Borough, is reflected in the Local Plan and Policy SP17 requires that development proposals which may impact on the designated landscape must take account of the AONB Management Plan.

1.9.6 The boundary of the North Downs SLA identified in the adopted 2000 Local Plan extended beyond the nationally designated area in places, to some adjoining areas which were considered to form the "setting" of the AONB landscape. This non-designated landscape is no longer identified within the Local Plan. The AONB Management Plan provides the basis for the approach now adopted in the Local Plan as it recognises that the "setting" is not formally defined or indicated on a map. Instead, Policy SP17 applies appropriate protection to the setting of both the Kent Downs AONB and the High Weald AONB through policy to ensure that due consideration is given, through the development management process, to the specific impacts of a proposal on the setting of the nationally designated landscape. The Kent Downs AONB Unit has not raised objections to this approach in their Regulation 20 representations, and it is considered that joint working, through the JAC and the development of the Management Plan, has provided the basis for effective policies in the Local Plan.

1.9.7 The "Strategic Gap" policy included in the 2000 Local Plan was not a landscape designation and instead sought to prevent coalescence between Maidstone and Aylesford to the west, and the Medway Towns to the north. As documented in the Duty to Cooperate Compliance Statement (SUB 008), the Council has held extensive discussions with TMBC in respect of the North West Maidstone Strategic Development Location, parts of which encroach onto areas previously designated as Strategic Gap in the 2000 Local Plan. Following the introduction of the NPPF in 2012 however, there was consensus between the two authorities that the NPPF no longer provides the basis for such policies and this is reflected in TMBC's representations to the Regulation 18 draft Local Plan published in March 2014.

1.9.8 The northern boundary of the Strategic Gap in the 2000 Local Plan is contiguous with the boundary of the Kent Downs AONB and therefore this area retains significant policy protection in the Local Plan. Much of the undeveloped areas north of the M2, into Walderslade and Lidsing, were designated as Areas of Local Landscape Importance in the 2000 Local Plan. Whilst this area is not proposed for designation as an Area of Local Landscape Value in the new Local Plan, the majority of the area remains "countryside" under the definition of Policy SP17, and those parts which fall within the urban area are heavily constrained by Ancient Woodland. This approach was discussed with Medway Council as part of Duty to Cooperate discussions in 2015 and no concerns were raised.

1.9.9 The lack of synchronisation between the development of the Local Plan and Local Plans emerging in TMBC and Medway has hindered the prospects for substantive joint working for this area, however these issues, and the approach selected in the Local Plan, have been considered through regular Duty to Cooperate discussions between neighbouring authorities. Neither authority has raised any concerns with respect to the deletion of the Strategic Gap policy, or the Duty to Cooperate more generally, as part of their Regulation 20 representations.

1.9.10 In respect of the Low Weald SLR, this designation has been carried forward to the new Local Plan as an Area of Local Landscape Value. Much of the southern and eastern boundaries of the designated area are contiguous with the borough's boundary with ABC and therefore, as part of Duty to Cooperate engagement, the Council has discussed with ABC the prospects for a similar approach to be adopted within Ashford. As documented in the Duty to Cooperate Compliance Statement however, ABC confirmed their intentions in 2015 to take an alternative approach to local landscape issues in the ABC Local Plan and therefore there was little prospect for the policy approaches to align. ABC did not raise any concerns in regards to the policy approach adopted in the Local Plan however, either as part of regular Duty to Cooperate discussions, or in response to formal consultation exercises.

1.9.11 The High Weald SLR identified in the 2000 Local Plan represents just a small part of a much wider SLR, identified in historic Kent Structure Plans, which encompassed the areas of the High Weald AONB which lie within Kent. Similarly to the North Downs SLR, the designated area included both nationally designated areas and some adjoining areas considered to form part of the AONB "setting". The area of the previous High Weald SLR which lies within Maidstone Borough falls entirely outside of the nationally designated landscape, whilst the SLA within Tunbridge Wells borough covers both non-designated and designated areas.

1.9.12 As set out above, Policy SP17 provides policy protection to the setting of the High Weald AONB, and therefore the local designation is not carried forward in the Local Plan. This is consistent for both the Kent Downs AONB and the High Weald AONB. The Council discussed this approach with TWBC as part of Duty to Cooperate engagement in 2015 and no concerns were raised. Given that TWBC was focussed on its own Site Allocations DPD examination during this time, and still remains in the evidence gathering stage in respect of its own emerging Local Plan, there was little prospect of joint working in this area. Nevertheless, these issues have been considered as part of regular Duty to Cooperate discussions, and TWBC has not raised concerns with respect to the deletion of the High Weald SLR designation in Maidstone, or the Duty to Cooperate more generally, as part of their Regulation 20 representations.

1.9.13 In summary, the Council has engaged with neighbouring authorities as part of the review of cross border landscape and gap designations, to inform effective policies in the Local Plan. The Council is an active member of the Kent Downs AONB JAC which provides for a coordinated approach to this cross border landscape of national importance. For a number of reasons, such as the timetables of neighbouring local plans and the pre-existing landscape evidence base in Maidstone, opportunities for joint working on evidence and policies have not been available, however the Council has proactively engaged with neighbouring authorities to consider these issues and in an attempt to maximise the prospects for consistency. None of the Council's neighbouring authorities have raised any concerns regarding compliance with

the Duty to Cooperate or in respect of the approach to landscape and gap designations in the Local Plan as part of their Regulation 20 representations.

### **Inspector's Question 1.10**

Would the Council please respond to the CPRE representations concerning consultation with parish councils.

#### **Council's response:**

1.10.1 The representations received from CPRE were attributed to both the Kent branch (P Buckley, R1952 / R19553) and the Maidstone branch (GWT Thomas, R19468). There are three main areas of concern in these representations which are summarised below and dealt with in turn.

- 1) The October 2015 Preparation consultation (Regulation 18) of 4 weeks was not in accordance with either the agreed Parish Charter or the Regulations governing plan making;
- 2) Communication with Parish Councils and Neighbourhood Plan groups stalled during preparation of the Local Plan;
- 3) Parish Councils were not consulted prior to the inclusion of sites in the Local Plan;

1.10.2 Concern 1 relates to the Maidstone Parish Charter which was adopted in late September 2015, and to the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Regulations do not specify a minimum consultation during preparation of the Local Plan at Regulation 18 stage. The breadth and length of the consultation should be proportionate to the size and complexity of the document. The 4 week timeframe was agreed as part of the wider programme for the delivery of the Local Plan by Councillors given it was a partial update to the comprehensive consultation at Regulation 18 undertaken in the spring of 2014 on the whole plan. The proportionately shorter timescale ensured expediency in progressing the plan to the next stage. All planning related consultation must be undertaken with regard to and in compliance with the Council's adopted Statement of Community Involvement, a legal requirement, which this Regulation 18 consultation was.

1.10.3 In regard to the Parish Charter, this is a non-statutory, locally adopted document which is clear that planning consultations are exempted from the six-week requirement, and that parishes should 'respond to all consultations in relation to the Local Plan within the Borough Council's deadlines in accordance with the adopted Statement of Community Involvement and Constitution.' This understood, any comments received after the consultation close owing to the timing of parish council meetings were still considered with those received on time.

1.10.4 Concern 2 relates to communication with Parish Councils and Neighbourhood Planning Groups, and can be answered alongside concern 3 regarding the inclusion of sites in the plan without consultation with Parish Councils. In preparing its Local Plan the council has carried out several 'Call for Sites' exercises. The first major call, in 2013, was used to inform the preparation of the draft Local Plan for consultation early in 2014. A series of drop-in consultations were arranged in the spring of 2013 for Councillors and Parish Councils to

review the submitted sites and make comment. Sites were then assessed by officers and also through the Sustainability Appraisal process prior to inclusion (or not) in the emerging plan. A further 'Call' was held alongside the Preparation consultation (Regulation 18) in March 2014. Again all submitted sites were discussed with Parish Councils and Neighbourhood Plan groups, plus other residents and pressure groups prior to conclusions being drawn through both officer and Sustainability Appraisal assessments. This time, rather than drop-in sessions, a series of over 20 evening meetings were held with both officers and Councillors in attendance. Detailed minutes were taken and agreed by all attendees. In addition a series of meetings were held with officers and representatives of the Kent Association of Local Councils (Maidstone branch) to discuss Local Plan issues, and liaison continued with active Neighbourhood Planning groups on both Neighbourhood Plan and Local Plan issues. The Council was keen to afford Parish Councils every opportunity to help shape the plan, whilst retaining proportionality in relation to other stakeholders and the level of engagement with them.

1.10.5 At every stage of preparation, all site proposals were the subject of detailed scrutiny and decision making by elected Councillors in the relevant Committees. Notably, the meetings of Planning Transport and Development Overview and Scrutiny Committee, and thereafter Cabinet in January and February 2015 took place over three evenings and two full days respectively. All meetings were held in public, and were webcast enabling the widest possible audience. Members of the public, Parish Councils and others were afforded the opportunity to ask questions, and to present petitions under the terms of the Council's Constitution. Fair and transparent consideration and decision making thus dictated the inclusion or otherwise of sites in the plan and ample opportunity was afforded to Parish Councils to have their say.

#### **Inspector's Question 1.11**

Are the Ordnance Survey based inset maps in the Local Plan part of the Policies Map or the Key Diagram or neither?

#### **Council's response:**

1.11.1 All the regions, allocations, designations and boundaries on the Ordnance Survey inset maps are also represented on the Local Plan Policies Map.

#### **Inspector's Question 1.12**

Should Policy H2 (Broad Locations) be included on a key diagram or is it a policy with a geographic application which should be illustrated on the Policies Map?

#### **Council's response:**

1.12.1 The broad locations of Policy H2 (1) Maidstone town centre and Policy H2 (2) Invicta Park Barracks have been included within the key diagram. The boundaries for both of these regions are also contained within the Policies Map.

1.12.2 The Council propose a modification PC/60 to the key diagram to include two symbols showing the broad location regions identified within policy H2 (3) Lenham.

### Inspector's Question 1.13

Do all the other local plan policies with a geographic application state that that they are so illustrated on the Policies Map?

#### Council's response:

1.13.1 All the local plan policies with a geographical application state that they are shown on the Policies Map.

### Inspector's Question 1.14

Has the preparation of the Local Plan had regard to the current Local Transport Plan 3?

#### Council's response:

1.14.1 Yes. The current LTP is the extant transport plan which does not expire until the end of this calendar year (2016). Of particular note is paragraph 3.9 with regard to the former South East Plan (2009):

"..... Whilst the full impact of the new Government's planning reforms is not yet clear, most of Kent district planning authorities have chosen to retain the housing allocations set out in their adopted and emerging Local Development Framework Core Strategies..... For this reason **KCC considered that many of the principles established by the South East Plan remain valid.** These include the need to prioritise infrastructure investment in the County's Growth Areas and Growth Points in order to further enhance their accessibility advantages and to generate increased local employment opportunities for their respective sub-regions. This will remain a core theme of this LTP."

1.14.2 Maidstone was one of two "growth points" in Kent. Generally the LTP is proactive in terms of promoting bus usage and adopted saved Local Plan policy T2 is particularly relevant, and also positive planning, in that solutions/mitigations are sought to support the growth set out by Kent boroughs and districts. The support for sustainable transport in Maidstone is clearly set out in paragraph 8.48 on page 91.

1.14.3 Paragraph 8.51 (page 92) is of interest in relation to the South East Maidstone Strategic Link (SEMSL), in particular, the last sentence "Maidstone Borough Council has now adopted a more widely distributed development strategy, therefore the SEMSL proposal is unlikely to be pursued further".

1.14.4 The Council has worked for a number of years with KCC to consider the impact of new development on the transport network. The key theme within the Local Transport Plan for Kent 2011-2016 (LTP3) with respect to mitigating the impacts of Local Plan growth is "Growth without Gridlock". LTP3 Chapter 8 sets out an implementation plan for "Growth without Gridlock" which noted the work being undertaken by MBC and KCC to develop a draft Integrated Transport Strategy (ITS) for the borough. This complemented the LDF Core Strategy being prepared at the time which covered the period until 2026 and was subject to consultation in summer 2011.

1.14.6 Since that time, the draft ITS has evolved alongside the emerging Local Plan, covering the same period to 2031. Adopted by the Council on 13 September 2016, the ITS sets out a

package of sustainable transport interventions which provide appropriate mitigation in support and as part of the evidence base for allocations in the Submission Local Plan. Furthermore, the actions identified in the ITS directly inform Submission Local Plan Policies DM24, DM25, DM26 and DM27.

### **Inspector's Question 1.15**

What regard should be had to the emerging Local Transport Plan 4 which is expected to be adopted after the examination hearings but before the submission of the Inspector's Report?

#### **Council's response:**

1.15.1 The Council has engaged with KCC to communicate its transport priorities for the emerging Local Transport Plan 4 (LTP4).

1.15.2 The emerging LTP4 (TRA 034) is currently out to formal consultation which will close on 30 October 2016. The Council will be responding to this consultation in due course.

1.15.3 The Council considers that the Integrated Transport Strategy (ITS), Infrastructure Delivery Plan and Local Plan policies on transport together provide an appropriate package of transport mitigation measures to support the delivery of growth identified in the Local Plan. This position was reflected in the Council's early input to the LTP4 in May 2016 (Appendix A1 and A2).

1.15.4 Although many of these measures are identified in the consultation draft LTP4, the consultation draft LTP4 does not pick up comprehensively the Council's early input to the LTP4.

1.15.5 The consultation draft LTP4 sets out that KCC's work on "the Kent and Medway Growth and Infrastructure Framework (GIF) provides the evidence base for LTP4" (TRA 034, Page 8, Paragraph 3) which the consultation document describes as having been "developed in conjunction with the twelve districts (Local Planning Authorities) and Medway Council to identify infrastructure requirements up to 2031 (TRA 034, Page 4, Paragraph 2). However, the Council has previously set out strong concerns in formal responses to consultation on the GIF (Appendix B) including in respect of the incorrect objectively assessed housing needs figure and the infrastructure schemes and costings identified within the document.

1.15.6 The consultation draft LTP4 identifies the Leeds and Langley Relief Road (elsewhere referred to as the South East Maidstone Strategic Link (SEMSL)) as a transport scheme based on its inclusion in the GIF. The Council's consultation response to the GIF set out that the SEMSL should not be included in the document (Appendix B). The Council acknowledges the SEMSL as a potential future scheme within the ITS, and at paragraphs 17.125 and 17.126 of the Local Plan, however the SEMSL does not form part of the Council's package of transport mitigation schemes identified as necessary to support Local Plan growth. KCC are the lead authority in respect of the delivery of this scheme, but the Council will work with KCC to develop the detailed case, including full traffic and environmental impact studies, a preferred route and funding methods. This work will also include an assessment of alternative options.

1.15.7 Additionally, some £8.9 million of Local Growth Fund (LGF) monies is allocated for

improvements to five priority junctions which have been approved twice by the Maidstone Joint Transport Board and, moreover, are identified (along with other transport interventions) in both the Local Plan and the ITS. Works on these five priority junctions are to be completed by 2022 with agreed profiling of the £8.9 million (the first year is this year, 2016/17). However, there is no specific reference in the consultation draft LTP4 to these important and agreed schemes.

1.15.8 Due to the early stage of LTP4 development, the document can only be afforded very limited weight at present and there is an opportunity for further dialogue between the Council and KCC. Moreover, the emerging LTP4 deals only with the next 5 years and there will be further LTPs developed over the course of the Local Plan period to consider transport infrastructure issues over the longer term.



## APPENDIX A

**Cheryl Parks**

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**From:** John Foster  
**Sent:** 14 September 2016 16:07  
**To:** Andrew Thompson  
**Subject:** FW: LTP Maidstone District Page  
**Attachments:** LTP4 Maidstone.docx

Here is the email as requested

Thanks

John

**John Foster**

Regeneration and Economic Development Manager

Economic Development

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

t [REDACTED] m [REDACTED] w [www.maidstone.gov.uk/business](http://www.maidstone.gov.uk/business)



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**From:** John Foster  
**Sent:** 24 May 2016 10:27  
**To:** 'Lucy.Campbell [REDACTED]'  
**Subject:** RE: LTP Maidstone District Page

Hi Lucy, please see attached. Many thanks

Kind regards

John

**John Foster**

Regeneration and Economic Development Manager

Economic Development

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

t [REDACTED] m [REDACTED] w [www.maidstone.gov.uk/business](http://www.maidstone.gov.uk/business)



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**From:** Lucy [REDACTED]  
**Sent:** 24 May 2016 09:01  
**To:** John Foster  
**Subject:** RE: LTP Maidstone District Page

Dear John,

I hope you are well. This is a reminder that any concerns or suggested amendments for Maidstone's LTP page be returned by **tomorrow afternoon**.

Please feel free to contact me if you have any questions. Many thanks for your time.

Kind Regards,

Lucy Campbell | Kent Graduate Management Programme | Transport Strategy Team | Invicta House, Maidstone, ME14 1XQ | Kent County Council | Internal: [REDACTED] | External: [REDACTED] | [www.kent.gov.uk](http://www.kent.gov.uk)

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**From:** Campbell, Lucy - ST HR  
**Sent:** 13 May 2016 11:27  
**To:** 'JohnFoster [REDACTED]'  
**Cc:** Wright, Brendan - GT HTW  
**Subject:** LTP Maidstone District Page

Dear John,

Thank you for communicating your priorities for the Local Transport Plan. This information has been used to create the Dover district page attached to this email. This page will be included within the LTP4 and has been circulated so that you may confirm you are happy with the wording and the captured schemes. If you have any amendments, please return them by **May 25<sup>th</sup>**.

Please note that there will still be scope to change and update the plan before it is finally adopted in early 2017, but this will be the last opportunity to amend your district page before the LTP4 goes out to a formal, 12 week consultation in mid-July.

Please feel free to contact me if you have any questions.

Kind Regards,

Lucy Campbell | Kent Graduate Management Programme | Transport Strategy Team | Invicta House, Maidstone, ME14 1XQ | Kent County Council | Internal: [REDACTED] | External: [REDACTED] | [www.kent.gov.uk](http://www.kent.gov.uk)



# APPENDIX B

## Maidstone

Maidstone is the County Town of Kent and has a road and rail network that is based on the historic development of the town. The town centre is at the point where several A roads (A26, A20, A229 and A249) converge and provide onward connectivity to four

The constrained nature of the town centre has contributed to peak period congestion and the designation of the wider urban area as an Air Quality Management Area. [The Maidstone Borough Local Plan \(2011 – 2031\) identifies a series of transport infrastructure improvements to support planned development.](#) A scheme to relieve congestion at the Bridges Gyratory is currently being implemented, [and further schemes are identified to support growth, including on the](#) ~~although continued traffic growth on other parts of the network is expected to result in worsening delays for road users. These pressures are most evident on the congested A229 and A274 corridors in south and south eastern Maidstone, and on the A20 corridor in north western Maidstone.~~

nearby junctions with the M20. At times when Operation Stack is initiated Maidstone has no direct access to the M20 coast bound. This results in extensive congestion as motorway traffic diverts onto the A20.

Rail links across the district are comparatively poor, with Maidstone currently having no direct service to the City of London and a slow journey into Victoria. In the south of the district, Headcorn, Staplehurst and Marden have access to direct train services to the City via Tonbridge and Sevenoaks, making them attractive locations for commuters. Bus services within the urban area are largely focused around serving the town centre and hospital. Many outlying suburban and rural communities are afforded a more limited level of service that does not provide a convenient travel option for many potential users.

| SEP Schemes                                       | Schemes identified in the GIF  | Future Schemes  |
|---|--|---|
| Maidstone gyratory bypass.                        | 'Smart' (managed) motorway from M20 Junction 3 to 5 to improve capacity. | M20 Junction 5 and North West Maidstone improvements.   |
| Maidstone sustainable access to employment areas. | Thameslink extension to Maidstone East by 2018.                          | Capacity improvements in South <del>e</del> East Maidstone (such as Willington Street, Sutton Road, Loose Road, Wheatsheaf junction)  |
| Maidstone Integrated Transport Package.           | Maidstone Integrated Transport Package.                                  | Junction capacity and signalisation improvements in rural service centres/villages <del>prioritising</del> including radial routes into Maidstone (such as Linton Crossroads) |
|   | M20 Junction 7 Improvements.   | <a href="#">Improvements at and around</a> M20 Junction 7   |

|  |  |   |
|--|--|---|
|  |  | <p><u>Improvements.</u></p> <p><u>Sustainable Transport</u></p> <ul style="list-style-type: none"><li>- Public Transport <u>Committed</u> improvements (including redevelopment of Maidstone East railway station, <u>and</u> Maidstone Bus <u>s</u>Station and improvements to radial routes into <u>Maidstone</u>).</li><li>- Walking and Cycling infrastructure and improvements</li></ul> |
|--|--|---|

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DRAFT - NOT FOR CIRCULATION

Alison Broom  
Chief Executive

Maidstone House  
King Street  
Maidstone  
ME15 6JQ  
t 01622 602000  
Minicom 01622 602224  
w [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

Ann Carruthers  
Kent County Council  
County Hall  
Maidstone  
Kent  
ME14 1QX

29 July 2015

Dear Ann,

**Re: Draft Kent and Medway Growth and infrastructure Framework (GIF)**

Thank you for sending me the latest draft of the Kent and Medway Growth and Infrastructure Framework (GIF) for comment.

**Housing, Employment and Population**

It is helpful that the draft GIF recognises that the housing, employment and population forecasts on which the analysis is based are constantly evolving. For instance, the GIF indicates that around 16,200 new homes will be provided in Maidstone through the period of the new Local Plan, however the Council consulted on a figure of 17,100 dwellings in March 2014, and is now attempting to meet its agreed objectively assessed need figure of 18,560 dwellings.

On page 88 the headline figures for Maidstone are 16,200 new homes, 30,000 new people, and 12,000 new jobs. For the period 2011 to 2031 these figures should be 18,560 new homes, 33,811 new people and 14,400 new jobs.

**Infrastructure**

Given the stage of the emerging Maidstone Local Plan, and the iterative nature of the Local Plan process more generally, there are significant limitations to the presentation of funding gap costings associated with new development in Maidstone, as identified in chapter 5.6 of the draft GIF. Notwithstanding the obvious risks of these figures quickly becoming out of date, the Council does not recognise any of the figures presented in the GIF and no evidence has been provided to justify the costs identified.

The Council last published an Infrastructure Delivery Plan (IDP) alongside its draft Regulation 18 Local Plan consultation in March 2014, however the figures in the GIF do not correspond to those in the published IDP. The IDP is a “living” document and will of course be updated to reflect the revised quantum and distribution of development for Regulation 19 publication, taking into account the evidence available to justify the inclusion of specific schemes or infrastructure items. The Council would therefore welcome the opportunity to see the evidence base behind the figures identified in chapter 5.6 of the draft GIF, and work with KCC to develop the IDP in order to support the emerging Local Plan.

### **The Borough Map**

The map of the borough specifically mentions the South East Maidstone Relief Road as an infrastructure issue. As you are aware this is currently not part of the Borough’s Integrated Transport Strategy. It is our view that it should not be included as in inset box on the Borough Map until the work discussed at last week’s Joint Transport Board is completed to everyone’s satisfaction. The intention to explore the cost benefits of a South East Maidstone Relief Road could be mentioned as a footnote on p88 under “ Existing Capacity Issues.”

The Capacity at Key Employment Sites (box inset) highlights key sites. In order to properly reflect the Council’s adopted Economic Development Strategy it would be helpful if Kent Medical Campus 100,000 m2 and Eclipse Business Park 6,000m2 were specifically referenced. These two sites can replace Honeycrest Industrial Park and the Former Syngenta Works.

### **Conclusion**

Until the new Local Plan is adopted by the Council, figures for new housing and employment will not be finalised and therefore the GIF is at risk of being out of date rather quickly. It may therefore be helpful to consider refining the scope of the GIF to focus on the more strategic, regionally important infrastructure items required to support the development anticipated in the County such as the Lower Thames Crossing. These items are less likely to be subject to substantive overhaul as a result of relatively modest changes to the emerging Local Plan, and there is clearly a role for a strategic, cross boundary approach to delivery in many of these cases.

I hope that these comments are helpful and look forward to seeing the next iteration of the document.

Yours sincerely

*A*  
[Redacted signature]

**Alison Broom**  
**Chief Executive**

t [Redacted]  
e [Redacted]