

MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

<http://www.maidstone.gov.uk/residents/planning/local-plan/examination>

SESSION 10A – YALDING REPRESENTATIONS AND SIMILAR ISSUES

Hearing Statements: *Please refer to the Inspector's Procedural Guidance Notes for information on the provision of hearing statements.*

Deadline: *One electronic copy in pdf format and three hard copies to be sent to the PO by 6.00pm on 20th October.*

Inspector's Agenda with Matters, Issues, and Questions

1. INTRODUCTION

The Reason for this Session

- 1.1. This Session has been arranged because a large number of Representors have requested participation in the examination hearings on the basis of near identical representations concerning a wide range of issues. The Representations are apparently inspired by documentation produced by or on behalf of Yalding Parish Council. However, whilst some Representations are of specific relevance to Yalding, others have a wider application.
- 1.2. Many of the same issues are to be addressed at other hearing sessions dedicated to specific matters. However because of the numbers of participants it would be impractical to include everyone from this session in discussion at those sessions which already involve significant numbers of participants. Neither would it be convenient for everyone to attend multiple sessions. As the hearing sessions are held in public, anyone may attend as an observer and it is likely that they will also be broadcast by web cam.
- 1.3. The representations include reference to the Local Plan's policies for Gypsy and Traveller sites and the needs assessment on which they are based. These are to be considered at Session 10B which follows Session 10A. Those wishing to take part in that discussion are welcome to stay on for session 10B.

Avoidance of Repetition

- 1.4. Repetition of the same points by multiple participants would not be an efficient use of time at the hearing. There is obvious scope for Representatives to combine their appearances. One participant may be chosen to represent the views of others at the hearing. Also some participants may choose to withdraw should they consider that they would not be able to add anything to the discussion beyond that which others are likely to say in any event. In either case would the invited participants please inform the Programme Officer as soon as possible should they decide not to attend the hearing or if they are to be represented by someone else.

Written Submissions

- 1.5. Should any invited participant choose not to attend in person their previous written representations will still be taken into account. They may also wish to submit an advance written statement in response to the questions posed on the agenda where they are relevant to their original representations.

2. YALDING

Issue (i) – Whether the proposed Yalding development allocations would be justified, effective (deliverable) and consistent with national policy

- 2.1. Yalding would be designated by Policy SP16 as a third tier 'large village' in the settlement hierarchy. Yalding PC has indicated that they have embarked on a Neighbourhood Plan.

Qn10.1 With what strategic local plan policies for housing and employment provision would a neighbourhood plan for Yalding need to generally conform?

H1(67) Vicarage Road

- 2.2. One proposed housing allocation [H1(67)] adjoining the main settlement has been the subject of pre-application discussions. H1(67) criteria 3 and 4

seek an extended footway along Vicarage Road and improvements to the footpath adjacent to the southern boundary.

- 2.3. Yalding PC and others object to this proposed allocation on traffic congestion and safety grounds and because it considers that various community facilities are inadequate to support the additional housing. Developments in other nearby villages would increase rat-running thorough the village and congestion at the single track town bridge.

Qn10.2 Would MBC respond to the specific objections to the proposed H1(67) allocation and clarify where on Vicarage Road the footway is to be extended?

Qn10.3 Having regard to national policy, would the residual traffic impacts of the H1(67) development be 'severe' after mitigation?

RMX1(4) Former Syngenta Works

- 2.4. A mixed use allocation at the former Syngenta site outside the main settlement [(RMX1(4))] would include 8,600sqm of employment floorspace, the retention or reprovision of existing offices and (subject to a flood risk assessment) approximately 200 dwellings. MBC has proposed a policy change (PC/19) that would add health facilities as a key infrastructure requirement.
- 2.5. Criterion 7 requires that access be from Hempstead lane only. Yalding PC has commented on the poor access to the site for large vehicles along Hempstead Lane and notes that there is a 7.5 tonne weight restriction in the village.

Qn10.4 Is there scope to improve Hampstead Lane in association with new development and should that be a policy criterion?

- 2.6. The Environment Agency (Representation R19446) objects to the residential development on the Syngenta site on the grounds of flood risk. It considers the Strategic Flood risk assessment 2008 to be out of date, would require

that adequate flood mitigation be demonstrated before supporting residential development, and doubts that sufficient mitigation could be incorporated that did not increase flood risk to existing developed areas in the vicinity.

- 2.7. In response to a written question from the Inspector question MBC has reported in a letter dated 18 July 2016 that:

'The Council has commissioned Jeremy Benn Associates to undertake a review of its existing SFRA (2008, Mott MacDonald) and to update any sections now out-of-date because of changes in planning legislation, policy and guidance, more recent flood events, and to take account of the recently completed Medway catchment flood risk modelling undertaken for the Environment Agency. This will also include climate change allowances as per the updated National Planning Practice Guidance of February 2016. Once completed in draft the report will be shared with the Environment Agency with a view to reaching a Statement of Common Ground in advance of the examination hearings. The consultant has also been commissioned to explore detailed site specific mitigation measures for the site allocations where the Environment Agency has expressed some concerns, including the Syngenta site at Yalding. Both reports are expected to be completed and published in advance of the examination hearings.'

Qn10.5 Would MBC please provide an update on progress on the flood risk issue?

Qn10.6 Would the Syngenta allocation be consistent with national policy for flood risk in the National Planning Policy Framework?

Qn10.7 Should the FRA conclude that suitable flood risk mitigation is not available, what would be the implications for:

- a) The viability and deliverability of redevelopment on the Syngenta site?**
- b) The delivery of housing to meet strategic Local Plan targets?**

3. DEVELOPMENT MANAGEMENT (DM) POLICIES

Issue (ii) – Whether any of the requested changes to Development Management Policies would be needed for the plan to be sound and, if so, what specific changes are sought

- 3.1. The representations from Yalding Parish Council and also from others who have adopted the same representations others are critical of the following Development management policies DM1(ix), DM5, DM7, DM8, DM10, DM13, (DM16 - to be considered at Session 10B), DM20, DM28, DM29 and DM40.
- 3.2. These policies are also due to be discussed at other sessions including at Session 11 where other Representors are to raise similar issues.
- 3.3. The role of the examination is to determine whether the Local Plan is sound and legally and procedurally compliant. It is not the role of the Examination to seek to improve a Local Plan if it is sound. In that context the representations do not set out why each of the criticised DM policies may not be considered sound. Neither in most cases do they propose alternative wording.

Qn10.8 Would those Representors seeking changes to the wording of the DM policies please identify:

- a) Why that policy as worded may be unsound (eg because it may be ineffective as worded or inconsistent with a specified national policy)?
- b) What specific wording change is sought by the Representor?

4. DUTY TO COOPERATE

Issue (iii) Whether the Duty to Cooperate has been met

- 4.1. Yalding PC and others made representations concerning the duty to cooperate and commented that MBC's Statement of Compliance with the Duty to Cooperate was not available when the Regulation 19 representations were submitted. That statement has since been issued as Document SUB 008.

Qn10.9 Do Representors have any comments on the contents of the Duty of Compliance Statement?

5. OTHER MATTERS

Issue (iv) – Whether the Plan as a whole is positively prepared, justified, effective and consistent with national policy

- 5.1. The representations of Yalding PC and others comment extensively on wide ranging matters that are due to be considered at other hearing sessions where similar views have been expressed by others including expression of concern about the assessments of needs, the targeted amount of development proposed, transport implications and other claimed constraints on development. These written representations will be taken into account.

- 5.2. Some of these matters remain to be discussed at subsequent hearing sessions.

Qn10.10 Are there any matters in the original Regulation 19 representations from those invited to Session 10A which they consider have not been addressed at other public hearing sessions?