

Strategic Planning
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

By email only to: neighbourhoodplanning@maidstone.gov.uk

27th April 2019

Dear Sir/Madam,

Re: Lenham Neighbourhood Plan – Regulation 16 consultation

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Lenham Neighbourhood Plan (LNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the LNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.*

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood

plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework (2019) makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and

¹ PPG Reference ID: 41-009-20160211

identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

Relationship to Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted Development Plan relevant to the preparation of the Lenham Neighbourhood Plan is the Maidstone Borough Local Plan (MBLP) adopted in October 2017. The MBLP is the overarching planning document for Maidstone Borough Council and contains the long-term vision and objectives for the area up to the year 2031. Within the MBLP, Lenham is identified as a Rural Service Centre, tier 2 of the Maidstone Borough settlement hierarchy. These villages have been allocated a number of housing sites which are of an appropriate scale. Infill development within the defined development boundaries is also deemed acceptable subject to more detailed Plan policies.

The Council began a review MBLP in 2018 which will provide an updated plan period to the year 2037. The Review will update the Vision, Objectives, Spatial Strategy and Policies and will also include site allocations, policies and policy designations. The Parish Council should therefore ensure that policies within the LNP are designed as flexibly as possible to minimise any potential conflicts with the Local Plan Review. A failure to include enough flexibility may affect the longevity of the LNP as conflicts will be superseded by any subsequent Local Plan. This degree of flexibility is required to ensure that the LNP is capable of being effective over the duration of its plan period and not ultimately superseded by the provisions set out in s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

“if to any extent, a policy, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).”

Lenham Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the LNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the LNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

Countryside Protection: Policy CP1

Whilst this policy states that:

“Proposals for new development in the countryside beyond the extended settlement boundary, where they are in accordance with the countryside constraint policies set out in the Mblp, will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surrounds, the potential impact upon the biodiversity of the area and the development plan policies of Maidstone Borough Council. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported.”

Many references to the settlement boundary throughout the remainder of the Neighbourhood Plan make distinct notions that there would be a:

“presumption against development outside of such boundaries.”

Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward as appears to be the case. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the LNP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate.

Gladman recommend that the above policy is modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

“When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

- New homes including market and affordable housing; or

- Opportunities for new business facilities through new or expanded premises; or

- Infrastructure to ensure the continued vitality and viability of the neighbourhood area.

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan as paragraph 4.12 of the Examiner’s Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised.”

Policy – Strategic Housing Delivery Site 7 – Land West of Loder Close

It is noted that site 7 – Land West of Loder Close within Area 3: North West of Lenham Village Extension is already subject to planning permission through the application 18/506657/FULL, as such, it should not be promoted as a housing allocation in the neighbourhood plan but instead referred to as an existing commitment in the neighbourhood area.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relationship of the LNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Jacob Mangham
Gladman Developments Ltd.