

CONSULTATION RESPONSE TO THE REGULATION 16 SUBMITTED LENHAM NEIGHBOURHOOD PLAN – Representation on behalf of Jones Homes and the Ambrose Family

1. Jones Homes (Southern) Ltd purchased land to the south of the A20 and to the west of Ham Lane from the Ambrose family in January 2019. The western section of the land holding is required to facilitate the construction of a new junction from the A20 and a new infrastructure road heading south to access development sites allocated in the Lenham Neighbourhood Plan. The Ambrose family retains an interest in the land jointly with Jones Homes (Southern) Ltd. These representations should be taken as a joint submission by both parties.
2. Both parties support the Lenham Neighbourhood Plan but have a number of matters that require amendment or further clarification of issues that are raised by the consultation documents. Detailed comments are set out below and are set out in 5 sections: -
 - A. Overall principles
 - B. Flaws in the Regulation 16 submission
 - C. Significant errors; contradictions and lack of information in Reg 16 submission
 - D. Health and safety issues for existing Lenham Residents
 - E. Lack of mechanism to ensure major infrastructure elements are delivered
3. To reach the following conclusions we have reviewed and mostly refer to LNP documents 2, 3, 4, 10a,10b & 16

A. Overall Principles

4. Jones Homes (Southern) Ltd and the Ambrose family wish to support the aims of the submitted Lenham Neighbourhood Plan (LNP) and the objectives that the Parish Council wishes to achieve for the good of the community that it represents. However, there are areas that we believe need further examination/modification to achieve those objectives as we consider that the current form of the plan is insufficiently robust to achieve those objectives without amendment.
5. It should in no way be construed that this response seeks to thwart the strategy of the LNP, far from it. We simply wish to make the plan more robust, more deliverable and above all effective. However, we do have, what are best described as, delivery issues that the plan fails to address and we are keen to ensure that that the Lenham Plan , once 'made' , is an effective document that has policies that can deliver the benefits to the village that the document seeks to achieve.

6. Our principal concern relates to the piecemeal way in which developments are currently being promoted and approved without any regard for the delivery of infrastructure to secure a planned expansion of the village. [NB This is not intended as a criticism of the Local Planning Authority as they do not have sufficient grounds to refuse proposals in advance of adopted policies.]
7. In this respect we point to the approvals given to Countryside (subject to the S106 being signed) and Wealden Homes. Already Ham Lane will see an additional 189 houses developed in addition to our own site. These developments were approved by MBC in anticipation of the Neighbourhood Plan although they could have been said to be contrary to policy SP8 of the adopted plan in that proposals have been approved in advance of a master plan and the 'made' LNP.
8. We are concerned that further proposals will come forward claiming that they can be served by existing infrastructure and are aware that the Peter Brett Transport Report indicates that at least 111 further units served from Ham Lane will come forward without requiring the new road.
9. We are sure that it is not beyond the intelligence of highway engineers to promote more housing served by existing roads, either Ham Lane or Headcorn Road (albeit modified). There is therefore a real concern that the number of new houses needing the new road will reduce down to a number that cannot support the new road link. None of the submitted documents analyse this scenario.
10. We are also concerned that no consideration has been given to a delivery timetable for the overall masterplan. As it stands the approved schemes do not deliver the new road link to the A20. Nor do they deliver the link southwards to Smokey Bridge to serve the land to be allocated south of the railway.
11. Whilst we are aware of the Countryside plan to provide that link, the S106 will only seek its delivery on occupation of the 115th unit. At best that is 3 years away by our estimate. The link road over the remaining Countryside site will be even longer with the developer not seeking planning permission for his larger development for at least 2 years. We can therefore see a situation where that road will not reach the edge of our site until 2025 or later.
12. This will stymie and frustrate any other land coming forward until after that date unless developers can demonstrate that modifications to the existing road system can support more growth. As stated above we think that this is a distinct possibility.
13. We consider that the implication for residents is serious with the existing village roads experiencing construction traffic for a considerable period and

the prospect that the road link becomes unviable with the steady erosion of significant housing numbers resulting from incremental permissions granted in the interim. In consequence we believe the plan should be more robust and focussed on delivery than it currently is. On this point we believe that the plan should contain a policy which develops SP8 to prevent development of the remainder of the land that is due to be allocated until the road link to the A20 is provided.

14. Policy SP8 states that housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan. On a reading of the regulation 16 document the only site policy which requires the new A20 access is strategic site 5. There is no mention of the new A20 access in any of the other strategic site policies. Site 3 (230 allocated) only requires a scheme of shuttle working over Smokey Bridge to be implemented. The residual housing numbers on sites 2 and 4, over and above the numbers either approved or currently being considered, also only require a scheme of shuttle working over Smokey Bridge. Therefore, provided they satisfy KCC Highways that the existing road network can accommodate the growth, maybe with improvements, the development of sites 2, 3 and 4 would be in accordance with the neighbourhood plan.
15. The implication is that traffic from sites 2, 3 and 4 could all use Headcorn Road as a means of access in the future. I am sure that this is not the intention of the Parish Council who wish to minimize traffic through the centre of the village . The only mention of the A20 junction is in the CIL table in section 12 which implies that only site 5, 6 and 7 will contribute to the new road junction. I must point out that site 7 already has permission with access off Ham Lane with no requirement to contribute to a new road/ A20 access. I am also sure that the Parish would not expect the development of the William Pitt field to be the subject of the S106 payment towards the new junction and road link.
16. Our view is that the neighbourhood plan must specify what developments (including housing numbers) can come forward in the interim and what measures will be taken to prevent them being developed in the absence of the new road link with the A20. The simplest mechanism could be the imposition of a Grampian condition to any approvals on sites 2 – 5. This is a form of control that we are familiar with, having dealt with sites with such a condition imposed. It may suggest a number of units that can come forward on each site without the road in place if you consider it appropriate. This would allow some income to be generated before the new road is in place. We have outlined the amendments that we suggest to the policies affecting the strategic sites below with the amendments shown in red:
17. Sites 2 and 4: These two draft allocations should be combined into a single strategic site to match the masterplan for this area. It also will assist in

responding to development proposals that do not strictly adhere to the site boundaries between 2 and 4. It is noted that development of 72 dwellings has been approved with a further 54 dwelling application pending but which we assume will get a permission in due course. The change proposed is as follows:

Policy Strategic Housing Delivery Sites 2 and 4: Land West of Headcorn Road and North of Leadingcross Green and Land West of Headcorn Road and South of the Old Goods Yard

Land shown as Site 2 and 4 on the Lenham Local Policies Map is allocated for approximately 220 dwellings at a density of 31 dwellings per hectare. Planning permission for residential development of this land will be supported provided that the development accords with other policies of this plan and the following requirements are met:

1. No more than 126 dwellings can be occupied in advance of the completion and opening of a new road link (referred to as new development access road in the Plan) providing a new junction to the A20.
2. The access arrangements will include appropriate highway, footpath and cycleway links to the boundary of adjacent allocated sites (SHD Site 3) and highway, footway and cycleway access to the south side of Lenham Station.
3. No more than 126 dwellings can be occupied in advance of written confirmation from the Local Planning Authority that measures are in place to facilitate the provision of enhanced crossing facilities over the railway line.
4. Access arrangements will include a scheme of shuttle working on the Old Ham Lane rail bridge (Smokey Bridge) and no more than 122 dwellings shall be occupied until that scheme is operational and open to traffic.

We are then happy that the other requirements set out in the strategic policy for these sites are set out below item 4 above.

Policy Strategic Housing Delivery Site 3: Land East of Old Ham Lane and south of the railway.

Land shown as Site 3 on the Lenham Local Policies Map is allocated for approximately 230 dwellings at a density of 32 dwellings per hectare. Planning permission for residential development of this land will be supported provided that the development accords with other policies of this plan and the following requirements are met:

1. No dwellings can be occupied in advance of the completion and opening of a new road link (referred to as new development access road in the Plan) providing a new junction to the A20.
2. Access into the site itself can be taken from a new access road from Old Ham Lane. The access arrangements will include appropriate highway, footpath and cycleway links to the boundary of adjacent allocated sites (SHD

Sites 2 and 4) and highway, footway and cycleway access to the south side of Lenham Station.

3. No dwellings can be occupied in advance of written confirmation from the Local Planning Authority that measures are in place to facilitate the provision of enhanced crossing facilities over the railway line.

4. Access arrangements will include a scheme of shuttle working on the Old Ham Lane rail bridge (Smokey Bridge) and no dwellings shall be occupied until that scheme is operational and open to traffic.

We are then happy that the other requirements set out in the strategic policy for these sites are set out below item 4 above.

Policy Strategic Site 5: Land West of Old Ham Lane

Land shown as Site 5 on the Lenham Local Policies Map is allocated for approximately 360 dwellings at a density of 30 dwellings per hectare.

Planning permission for residential development of this land will be supported provided that the development accords with other policies of this plan and the following requirements are met:

1. No more than 136 dwellings can be occupied in advance of the completion and opening of a new road link (referred to as new development access road in the Plan) providing a new junction to the A20.

2. Access into the site itself will be taken from the new development access road linking through to the roads approved as part of the permission for 136 dwellings. The access arrangements will include appropriate highway, footpath and cycleway links to the boundary of adjacent allocated sites (SHD Sites 5 and 6).

3. No more than 136 dwellings can be occupied in advance of a road link to the south of the site as far as Smokey Bridge being brought in to operation, which will have capacity to accommodate all traffic movements when all the sites shown on this Plan are completed.

We are then happy that the other requirements set out in the strategic policy for these sites are set out below item 3 above.

Policy Strategic Site 6: William Pitt Fields

Land at William Pitt Field shown as Site 6 on Lenham Local Policies Map is allocated for approximately 50 dwellings at a density of 29dph. Planning permission for residential development of this land will be supported provided that the development accords with other policies of this plan and the following requirements are met:

1. Access will be taken from Old Ham Lane.

2. No dwellings can be occupied in advance of the completion and opening of a new road link (referred to as new development access road in the Plan) providing a new junction to the A20.

We are then happy that the other requirements set out in the strategic policy for these sites are set out below item 2 above.

18. As regards other amendments to the regulation plan submission these are picked up in the attached list of comments. However, you should note that the above amendments will need changes to section 12 of the plan where it talks about CIL and S106 contributions.
19. The Grampian condition solution would secure the Parish's objectives and would ensure that discussions are encouraged with other parties sooner rather than later.

B. Flaws in Reg 16 submission

The process is flawed in two ways

- a. Lack of Consultation – Ambrose and/or Jones Homes were not consulted either at the pre regulation 14 or the regulation 14 consultation stage. Our views have never been sought. At Reg 14 stage that relevant land owners should have been consulted and their comments taken on board. We understand that all other land owners affected were consulted except us.

Specific issues with LNP 3

Para 4.4 – During evaluation of the development options, West and South could be served by the new development access road. Once completed, it could accommodate an extended bus route and open up access to the south of Lenham railway station. It is seen as a vital component of the development

Para 4.6, 4.7 & 4.8 – all continue the theme that the access road is a lynch pin for the whole LNP.

Why has the construction of this most important infrastructure not been secured by way of a CIL payment or similar 'roof tax' mechanism? Instead it has been left with the developers to resolve.

We maintain that this vital component should not be left with the developers as some afterthought once they have built the majority of the houses and taken their profits. Rather it should be the first element to be built and because it serves all the new houses and keeps construction traffic away from the existing village.

Specific issues with LNP 4

Para 1.5 – Specific meetings were organised with Landowners whose land holdings were potentially relevant with the emerging plan – We owned the

land for the A20/new development access road. We were never contacted or invited to any meetings

Para 2.12 – Respondent 5 asked if the necessary infrastructure was actually provided. LPC have failed to guarantee it can be provided

Para 3.5 – 2018 questionnaire – We never received it and were never asked to complete one

Para 6.1 Appendix H – comprises the list of bodies and individuals consulted on the Plan. The owners (Ambrose family) were never consulted.

Para 6.2 – As landowners we were never asked if we supported the Plan.

Specific Issues with LNP 16: Section 6: Transportation:

- i) The section fails to identify the split land ownership which makes provision to the new road link to the A20 from SHD Site 2 impossible without the inclusion of our land in any proposal to develop land to the west of Ham Lane and land to the south of the railway which needs to use Ham Lane as an access.
 - ii) The section fails to identify how the road link will be funded
- b. Financial Viability Statement – each site must be financially viable in its own right for the overall neighbourhood plan to pass the financial viability test. There must be a competitive return of 15-20% for the developer and the residual land value must be £1.1m/ha. These are figures set out in Doc 10a.

10a also correctly identifies the abnormal external works for each site ie site 5 must provide the A20 junction, site 3 the works to Smokey Bridge. These are very significant and vital elements of the scheme and yet they are completely ignored in the viability appraisals.

These need to be costed and included into the viability of individual sites only then can the viability be correctly assessed.

This is a fundamental flaw because the FVS has assumed some form of equalisation of costs across all the sites but there is no mechanism within the neighbourhood plan for this to happen. Or these large costs have been ignored entirely. Each site must bear its own external costs and this will dramatically affect individual site viabilities. Site 5 is further financially compromised because PP has already been given for 136 units (38% of total units) without the need to financially contribute to the abnormal externals ie A20 junction. Therefore, the full cost of this abnormal falls on

the remaining 62% of homes. Can they bear this massive cost and still remain financially viable? This evaluation should be in the Reg 16 submission.

C. Significant errors; contradictions and lack of information in Reg 16 submission

We have concentrated on the differences in Docs 2 & 16 because these are the most glaring mistakes and affect the Infrastructure delivery.

a. Smokey bridge –

LNP 2 says it will be funded by site 3 only (11.1.10)

LNP 16 says it will be implemented by KCC and paid by sites 5,6 & 7 (6.2.4)

b. New Footbridge across railway

LNP 2 says it could be funded by CIL or Govt grants (11.1.11)

LNP 16 says it's paid for by sites 5,6 & 7 (6.5.2)

c. A20 Access

LNP 2 gives no commitment to how this is paid for or the timing (11.1.14). Later on, in 12.2.2 it states that sites 5,6 & 7 'to contribute appropriately'. This is now impossible because site 7 and 136 units of site 5 have been given PP without the requirement to contribute to the cost. The balance of units from site 5 & 6 must therefore pay for the full cost but does this make the balance of site 5 and site 6 uneconomic (see finances above)

LNP 16 says it is provided by site 2. (6.1.2) Timing is by occupation of 300th unit on site 2 (6.1.3) but site 2 only has 110 units

d. New Headcorn Road Junction

LNP 2 says major junction change with priority now given to new site access, but is silent on timings and site 3 is to pay (11.3.2 & 12.2.2)

LNP 16 Does not mention this major highway work at all

D. Health and safety issues for existing Lenham Residents

Normally with a site of this size on the perimeter of a congested village the main infrastructure would be constructed before any on site housing. All construction and new residential traffic would then have access to a main road without compromising and interfering with the existing village.

This is not the case with the LNP. In fact, with the current set up and lack of shared infrastructure payment mechanism there is potential for all

construction and new residential traffic to use the existing road network for many years if not for eternity.

We have been unable to find a delivery programme within any of the submitted documents so have tried to piece together a possible Infrastructure programme.

A20 Access – Countryside will not start the planning process for this for 18 months. Planning could then take a further 9 months. Construction of roundabout say 6 months. They can then start constructing the houses. Doc 16 clause 6.1.2 says the access is not required until occupation of 300th unit. This could take 9 months plus 174 weeks. Adding these figures together I get 18 months + 9 months + 6 months + 9 months + 40 months = 6 yrs 10 months ie 2027.

That would mean at the very earliest, construction and new residential traffic would not be using the new road for 7 years.

In the meantime, all new traffic would be using the existing road network causing safety issues; potential accidents; Dust and pollution. Not to mention the shear chaos and disruption to the village.

On top of this 7 year wait, is the very real possibility that the A20 link will never be completed because there is no financial mechanism to guarantee it will be built.

There is the very real possibility that all sites except site 5 closest to the A20 will be built and occupied without the link ever being built because it is not economically viable for the last 62% of site 5 units to bear the full cost of the new junction.

This would leave the village with a permanent traffic problem.

E. Lack of mechanism to ensure major infrastructure elements are delivered

As discussed above because there is no mechanism within the LNP to share or equalise the major infrastructure elements, it falls on each individual site to complete the element designated to it. In addition, there is no programme when these works need to be completed.

The implementation of the LNP is therefore outside of the control of MBC and LPC.

The viability of the last 224 units on site 5 and site 6 are unknown because they will need to carry the full cost of the infrastructure road across the site and the new junction with the A20. There is a real possibility that the new junction will never be constructed

We have tried to engage the developer in talks to agree a price for the necessary land on three occasions. We have also suggested an independent binding valuation so both parties know the land value. Countryside have said they will not respond until they are considering submitting the Planning Application for the remainder of their land in 18-24 months' time.

It is clear that the LNP in its current form cannot guarantee the delivery of the necessary infrastructure and is silent on the infrastructure's timetable

Conclusion

We support the LNP but both the timetable and delivery mechanism for the essential infrastructure elements are extremely weak and could ultimately lead to them not being delivered. We are certain this is not what the villagers or LPC desire.

A simple solution to both issues would be the imposition of a Grampian condition on all approvals for sites 2-6. This Condition would require the new development infrastructure to be operational prior to commencing any housing.

The Grampian Condition (or similar mechanism) would guarantee the timetable and ensure that the Lenham villager's health and safety is not compromised by the new developments because all construction and can use the new development infrastructure road to access the A20 and also the Headcorn road without entering the village.

The only major obstacle is PP 19/503995 granted to Countryside Homes which states they do not need to complete the Southern access infrastructure road until 115th occupation. This condition needs to be much tighter to ensure a more rapid provision.

