

Maidstone Borough Council Draft Local Plan
February 2016 Local Plan Regulation 19
Representation from Helen Whately MP

1. Introduction

- 1.1. I have read the Maidstone Borough Council (MBC) draft Local Plan with great care and welcome the opportunity to submit my views at this Publication stage of the process, under Regulation 19. I understand that this stage focuses on whether the local plan has met the legal requirements and the tests of soundness as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.2. I have received a great many representations from individuals, parish councils and other organisations living or operating within my constituency, via letters, emails and during face-to-face meetings. In addition I convened a public meeting in February 2016 to hear directly from local people about their views on the policies set out in the Plan and the process in general. This included representations from a panel comprising local organisations including Kent County Council, the CPRE, and the Maidstone Joint Parishes Group. I have also met with the team preparing the Local Plan to hear their views.
- 1.3. Whilst my submission focusses on the preparation process of the plan which is the purpose of this round of consultation, I feel it necessary to emphasise the wider points on content that many of my constituents believe have not been fully considered to date.
- 1.4. I recognise that Maidstone needs more housing; I receive a great number of letters from constituents struggling to find suitable accommodation and I know there is a problem with homelessness. I also appreciate MBC is under great pressure to complete the Local Plan and delays to this enable developers to make speculative applications. It is therefore important to press on with the Local Plan but at the same time to make sure it is a good Local Plan.
- 1.5. Finally I would like to acknowledge the huge amount of work that has gone into the development of Plan to date and pass on my thanks to the officers at Maidstone Borough Council.

2. My observations are as follows:

The number of dwellings to be delivered over the course of the plan is set too high and has not taken account of actual planning constraints

- 2.1. The National Planning Policy Framework (NPPF) (paragraph 47) requires local planning authorities to meet the objectively assessed need for market and affordable housing. In the Maidstone Borough, the housing need is 18,560 dwellings for the period 2011-2031.
- 2.2. There are however flexibilities in the NPPF which would enable MBC to review this figure in light of constraints relating to delivery. My understanding is that the NPPF requires local planning authorities to meet housing need but only as far as is consistent with other policies in the Framework. This includes, for example, transport policies (paragraph 32). The Government has been clear that the level of housing need (the 18,560 figure) should not simply be used as a “proxy” for the Local Plan housing target. A sustainable housing target can only be established following the application of proper planning constraints i.e. environmental, infrastructure etc.
- 2.3. The objectively assessed housing need for the Maidstone Borough is the highest out of all Kent local planning authorities (excluding Medway). Kent County Council (KCC) has presented evidence demonstrating the severity of the impact of the proposed development on the local highway network, a known constraint to development. This includes unacceptable levels of congestion in Maidstone town itself as well as the surrounding villages, notably to the south and east of Maidstone, with some proposed sites having previously failed at appeal, yet now detailed in the Plan. Whilst the draft Local Plan encourages more sustainable forms of transport, there is a question mark over how realistic the proposals on walking, cycling and public transport are in practice in reducing reliance on the private car. KCC has suggested “that to allocate any further sites in the Borough at this point before this work is complete would be premature.”
- 2.4. There are examples of other Local Plans, including the Chichester Local Plan 2015, that have progressed without meeting their objectively assessed housing need because of planning constraints.
- 2.5. **I am informed that since May 2014 Kent County Council has stated to the Borough Council on numerous occasions that there are known planning constraints to meeting the proposed level**

of housing in the Maidstone Borough. This raises serious questions about whether the plan has therefore been positively prepared to take these constraints into account and to meet the infrastructure needs relating to the proposed housing figures.

The proposed level of development will have an unacceptably severe impact on wider local infrastructure and services

- 2.6. I have concerns that the draft Local Plan has been produced in advance of an Integrated Transport Strategy (ITS). It would have been helpful to have been able to view the ITS prior to the Regulation 18 consultation, as it would have informed comments on the content of the Local Plan. It is only now however that the ITS is available to view and I am concerned as to how the spatial strategy has been determined without it, since the Spatial Vision states that “development will be guided by the delivery of the ITS.”
- 2.7. I am also concerned that MBC commissioned its own transport modelling rather than take the advice of the Kent Highways Authority and that the ITS currently out to consultation has not been endorsed by Kent County Council. Kent County Council has suggested the development envisaged by the local plan will increase traffic congestion by 40% without effective mitigation.
- 2.8. The ITS does not make mention of the Highways England proposal for a new Thames road crossing in the form of a dual-carriageway tunnel under the river between Gravesend and Tilbury. Commuters and leisure travellers moving between Kent and Essex may stop using the M20/ Dartford Crossing route and use the A228 or A229 to the M2 and Lower Thames Crossing. With substantial housing development planned for south of Maidstone it can be foreseen this increase of north/south traffic may further congest traffic flows through and around the town. I would expect traffic modelling reflecting the impacts of the planned Lower Thames Crossing to be carried out and taken into account in the Local Plan.
- 2.9. In addition to transport, there are serious issues within the area relating to supply of drinking water and the disposal of waste water. I regularly receive correspondence from constituents about the inefficiency of the existing sewage systems and am extremely concerned about the impact that further housing would have on these. Headcorn Parish Council evidence that MBC has been looking at the issue on a development by development basis, which misses the cumulative and strategic implications. Indeed, this permits an aggregation of the problems.

2.10. A further example of the lack of infrastructure planning is illustrated in Langley parish in relation to a recent application for 800 homes at Sutton Road South. A proposed primary school at the site is not supported by KCC; accessibility to a train station is poor; and the road system (as noted by KCC Highways) is insufficient to cope with additional traffic.

2.11. **Whilst Section 106 contributions from developers will continue to be used to fund infrastructure requirements, and the introduction of a Community Infrastructure Levy will add to this, I remain concerned that this funding will not address the already overstretched infrastructure in the Maidstone borough. Instead the pressure on infrastructure will simply continue without resolution. I am concerned that the cumulative impact of development on infrastructure and local services has not been considered in the round. I therefore question how justified the Plan is in its proposals.**

Impact of employment development at Junction 8 on the landscape and heritage assets

2.12. I have received a large number of representations from local people and organisations – notably the CPRE, the Joint Parishes Group and the Bearsted and Thurnham Society - about the proposals for a business park at Junction 8 of the M20. Whilst I understand the need for additional employment, I share the concern that this proposal includes the redevelopment of Woodcut Farm. This site is positioned in a rural setting that forms an integral part of the character landscape stretching from Bearsted towards Leeds Castle. Indeed there is a longstanding call among local groups to designate all land between the Kent Downs AONB and the A20 as a Landscape of Local Value to protect the Kent Downs setting. The site is home to a series of heritage assets.

2.13. The site is detached from the built-up area and the proposed new housing developments, most of which are located around the villages and rural service centres to the southern side of the Borough. There is a disconnect between these residential areas and the proposed employment site which will potentially exacerbate reliance on car usage and in turn traffic congestion. Given the direct links to London by train from these settlements, I share concern among locals that incoming residents may be more likely to commute out to find work rather than access jobs more locally. This further adds to the question of suitability of the Junction 8 site.

2.14. I note that two applications relating to Waterside Park on the south side of the A20 at Junction 8 were previously rejected by the Planning Inspector (and subsequently at appeal by the Secretary of State and the High Court) because of its *proximity* to the AONB and Leeds Castle.

2.15. **Addressing the concerns about the actual housing numbers required might mitigate the need for such a largescale employment site. I would be keen to understand what other sites have been overlooked in preference to this one, especially those sites located nearer to the housing developments they will serve, and question the justification for including this particular site.**

Concern about robustness of The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment

2.16. The Assessment revealed a need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031 and a further 11 plots for Travelling Showpeople over the same period.

2.17. Permissions have been granted for 81 permanent pitches since October 2011 and the Local Plan allocates land for 41 more. I am concerned that the shortfall of 65 pitches will lead to continued uncertainty about how travellers will be accommodated in the area.

2.18. I also understand that the traveller site at Little Boarden, Boarden Lane, Headcorn (Policy Ref GT1 (5)) has been included in the Local Plan despite the planning inspector stating that *“the development would cause significant harm to this area of countryside and its unsatisfactory impact could not be mitigated to an acceptable extent”* and *“the site is not reasonably related to services and facilities and would be likely to encourage additional private vehicular usage. As a result the proposal would not accord with the sustainability objectives of Policy SP1 of the Kent and Medway Structure Plan”*. The Inspector allowed a temporary permission for four years, but said it was not appropriate for a permanent site. I am very concerned therefore that this site is nevertheless included in the Local Plan.

2.19. **While I recognise that MBC’s original assessment of demand for pitches took some account of whether people were true ‘travellers’, this was not fully aligned with the new definition that came into force in September 2015. This amendment defines a traveller as someone who has a nomadic habit of life, meaning that where someone has given up travelling permanently they should be treated no different from the settled population. I am concerned therefore that MBC**

may have overestimated the numbers and would expect the Local Plan numbers to reflect the most recent definition of a traveller.

Insufficient time to respond to the previous Regulation 18 consultation

2.20. The Regulation 18 consultation offered local people the opportunity to comment on the content and policies contained within the Plan. Whilst there is no legal minimum consultation period for a Regulation 18 consultation, I have received considerable feedback from individuals, parish councils and local interest groups that the four weeks allotted to this by MBC was too short to enable full consideration of the proposals. Many parish councils, for example Langley Parish Council, were unable to consult effectively with their parishioners about the Plan as they did not have a full parish council meeting falling within that four week period.

2.21. A precedent for consultation has been set by MBC: in 2014, there was an 8 week consultation for Regulation 18; the Borough Council has a Parish Charter which commits to running consultations for a minimum of six weeks; and the Statement of Community Involvement produced by MBC suggests that six weeks represents an appropriate length of time for a consultation.

2.22. I understand that there is a compulsion on MBC to prepare the plan to meet the national deadline on Local Planning (early 2017). I also acknowledge that without a five-year land supply, the county is vulnerable to unplanned and uncoordinated development. I believe that it is important to get the vision and content of the Plan right and I am concerned to see MBC hurrying through a version that will neither deliver what the area needs in the longer term nor reflects the views of local people.

2.23. **Whilst previous consultations (such as in 2014) may have been extensive, there remains a great deal of unrest about the content of the draft Plan. The shortening of Regulation 18 round of consultation has served only to diminish the opportunity for local people to have their say while exacerbating a feeling among many that their views are unlikely to be taken into account.**

3. Conclusion

- 3.1. There is a need nationally to deliver new homes and associated employment across the country to meet a growing population. This needs to be underpinned by effective local infrastructure and community facilities and services. For Maidstone Borough, I want to be assured that this is undertaken in an appropriate manner that complements our existing towns and villages, countryside and heritage assets while meeting the needs associated with inevitable future population growth.

- 3.2. The underlying cause for concern in many of the representations made to me is the gap between the infrastructure provision and the overall volume of housing proposed in the local plan. Additionally, there are very strong feelings that the proposed development - scale and sites - in combination with recent building in the area, will have a material, detrimental impact on landscape and local character. There is a consistent feeling that resident's views, especially those of local parish councils with democratic mandates, have not been taken into account. Finally, I question the level to which MBC has fully explored the underlying planning constraints as set out by numerous parties, including Kent County Council, which might serve to reduce the figure to a more manageable target. This in turn would impact directly on the amount of employment land required to serve the incoming population.

- 3.3. I am mindful however that there is a need for the draft Plan, and five year land supply, to proceed and secure agreement as quickly as possible in order to enable control over incoming development applications. While I currently have very serious concerns, as set out in this representation, I very much hope that these will be dealt with before and during the examination process, and that we will have the assurance that new housing development in the Borough will be of the highest quality, and sustainable in terms of infrastructure and our environment.

Helen Whately MP
March 2016