



The Planning Inspectorate

Report to Maidstone Borough Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Maidstone Local Plan Review

The Plan was submitted for examination on 31 March 2022

The examination hearings were held between 6-8 September 2022, 8-24 November 2022, 16-25 May 2023 and 5-9 June 2023

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Abbreviations used in this report.

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty ¹
BNG	Biodiversity Net Gain
Dpa	Dwellings per annum
DfT	Department for Transport
DtC	Duty to Cooperate
EDA	Economic Development Area
EDNS	Economic Development Needs Study
EIA	Environmental Impact Assessment
GTTSDPD	Gypsy, Traveller and Travelling Showpeople Development Plan Document
GTTSAA	Gypsy, Traveller and Travelling Showpeople Accommodation Assessment
Ha	Hectares
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
ITS	Integrated Transport Strategy
KCC	Kent County Council
KDNL	Kent Downs National Landscape ²
LBL	Lenham Broad Location
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Areas of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SLAA	Strategic Land Availability Assessment
SOBC	Strategic Outline Business Case
SoCG	Statement of Common Ground
SPA	Special Protection Areas
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage Systems
WWTW	Waste Water Treatment Works

¹ See Footnote 2 below.

² On 22 November 2023 Areas of Outstanding Natural Beauty (AONBs) were re-branded as "National Landscapes". The legal designation and policy status of these areas remains unaffected.

Non-Technical Summary

This report concludes that the Maidstone Local Plan Review provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications (MMs) can be summarised as follows:

- Extend plan period from 1 April 2021 to 31 March 2038 with consequential amendments to both the housing, employment and retail requirements to be planned for.
- Increased detail in the strategic policies for the two garden settlement proposals at Lenham Heathlands and Lidsing, in relation to: (i) the delivery and phasing of infrastructure to support sustainable growth; (ii) how development should address the proximity of the Kent Downs National Landscape (KDNL); and (iii) the specific measures required to ensure potential impacts on protected habitats are appropriately mitigated as required by the Habitats Regulations. A number of other MMs to these policies are also recommended.
- Removal of the proposed safeguarding area for a Leeds-Langley Relief Road and associated strategic policy because it is not justified.
- Additional detail in the strategic policy for the redevelopment of the Invicta Park Barracks site in Maidstone.
- A new strategic policy on housing delivery to reaffirm the minimum housing requirement (19,669 dwellings over plan period) and its delivery through a revised stepped housing trajectory.
- Additional policy content for various site allocations and for larger and more complex sites the insertion of concept framework plans to clarify net developable areas where significant areas of green infrastructure is required by the site policy.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Maidstone Local Plan Review in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF) at paragraph 35 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Maidstone Local Plan Review, submitted at the end of March 2022 is the basis for my examination. It is the same pre-submission document as was published for consultation in October 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound [and /or not legally compliant] and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA and HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the

Issue 1 – Whether the Spatial Strategy would be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

The Submitted Plan

47. On submission there was variable clarity on which parts of the 2017 Local Plan would be superseded. To assist decision-makers I recommend **MM108** for effectiveness, which would insert a new appendix to the Plan setting out those policies of the 2017 Local Plan which would not be superseded when the Local Plan Review is adopted. I also recommend **MM1** which would amend the introduction to the Plan to provide clarity on the 2017 Local Plan policies which have not been superseded by this Plan. Additionally, **MM62** would update Table 8.1 of the Plan and would remove those 2017 Local Plan site allocations that had been completed between plan submission and end of March 2023, and therefore not contributing to deliverable supply at the point of plan adoption. I recommend these modifications for effectiveness.
48. The Plan, when adopted, would form part of the wider development plan for the area, alongside KCCs Minerals and Waste Local Plan, Neighbourhood Plans and other development plan documents. Part of the River Medway in the Borough is tidal (to Allington Lock) and so regard should be given to the Marine Management Organisation's South East Marine Plan in this part of the Borough. **MM2** would address this omission and provide necessary referencing in the Plan, and I recommend it for effectiveness.
49. The individual site allocation policies in the Plan need to be modified to remove references to be being "draft" and to make clear they are as shown on the Policies Map. I recommend **MM61** as a collective change to the wording of all the site allocation policies in this regard. This MM would be necessary to ensure the Plan is positively prepared and effective.

Plan Period and strategic policies

50. The Plan was submitted in March 2022 and anticipated to be adopted by the end of 2022 such that the proposed plan period to 2037 would have looked ahead for 15 years as sought by paragraph 22 of the NPPF. Given the complexity of the examination that has not happened. Accordingly, it was proposed early in the examination to extend the plan period by one year to 31 March 2038. The reality is that with plan adoption now in 2024, even on this extended basis there would be a small undershoot on a 15 year period. I do not, however, consider that to be a further soundness issue. For reasons set out later in this report, the submitted plan seeks to put in place key components of a spatial strategy that will endure well beyond a 2038 plan period.

51. The start date of the plan period will need to be amended from 1 April 2022 as submitted. Adjusting the start date to 1 April 2021 would align with much of the submitted evidence base, including the SHMA¹² and EDNS. It would also reflect that the Plan was submitted for examination before 1 April 2022. Furthermore, it would enable an initial two years monitoring data on housing delivery in 2021/23 to be accounted for in the housing trajectory. Accordingly, I recommend **MM7** which would adjust the plan period and so ensure the Plan would be justified in terms of aligning with the evidence base against which it was prepared.
52. For consistency with national planning policy at paragraph 22 of the NPPF¹³ the Spatial Vision in the submitted Plan needs to look further ahead than 2037 given there are components of the plan, such as the new garden communities, where delivery would extend beyond this timeframe. **MM4** would address this by removing the reference to 2037 and acknowledging elements of the spatial strategy look further ahead than the plan period. I recommend the MM for consistency with national planning policy at NPPF paragraph 22.
53. The vision for the Lidsing garden community in the submitted plan recognises its long-term perspective (to 2057) but similar is required for the over-arching vision for the Heathlands garden settlement. **MM13** would do this, and so I recommend it to ensure consistency with national planning policy at NPPF paragraph 22.
54. NPPF paragraph 20 identifies what strategic policies should cover and paragraph 21 of the NPPF says these should be explicitly identified. Strategic policies are also relevant in terms of the basic conditions test for Neighbourhood Plans, in terms of ensuring necessary general conformity. A number of the policies in the Plan are identified as strategic policies. Other policies, notably the site allocation policies, are also to be considered strategic policies to ensure any Neighbourhood Plans consistently reflect them. **MM109** would insert a new appendix into the Plan clearly identifying the 'Strategic Policies'. This would be necessary for consistency with NPPF paragraph 21. **MM3** would provide required clarity in the introductory section of the Plan, in terms of confirming the policies in the new appendix are those strategic policies for the purpose of neighbourhood planning and I recommend it for similar reasons as **MM109**.

Housing Need and Requirement

55. The Plan was submitted for examination on 31 March 2022 based on an assessment of housing need using the advocated standard method for calculating need. The 2021 Strategic Housing Market Assessment (SHMA) update appropriately applies the formula of the standard method in accordance

¹² The SHMA 2021 Update Local Housing Need calculation is based on 2020 Affordability inputs as per PPG paragraph 2a-008-20190220

¹³ Further amplified at PPG paragraph 61-083-20211004

with the PPG. At the time of the SHMA the affordability ratio derived a minimum annual housing need figure of 1,157 dpa as set out in the submitted Plan, as consulted on in late 2021. Immediately prior to submission, however, revised median workplace-based affordability ratios were published¹⁴ on 23 March 2022 (8 days prior to submission) resulting in a modest increase for Maidstone Borough to 1,194dpa.

56. Whilst I appreciate the PPG states at paragraph 2a-004-20201216 that the most recent affordability ratios should be used, the test of soundness applies to the plan as submitted. The plan that had been consulted on at Regulation 19, only a short time period before submission had applied the recent 2020 affordability ratios available at that time, as per the latest 2021 SHMA update. As submitted the Plan has sought to significantly boost the supply of homes consistent with NPPF paragraph 60 (a 31% uplift from the 2017 Local Plan figure of 883dpa). As set out further under Issue 7 below, the Plan would comply with other provisions of the NPPF to significantly boost housing supply, in terms of a deliverable supply for first five year period and a developable supply in years 6-10.
57. The PPG at paragraph 2a-008-20190220 advises that the local housing need figure should be kept under review and changes in the inputs are variable and this should be taken into consideration. In considering the 2022 adjustment to affordability, this would equate to less than half a year of supply, in a plan which would firmly deliver a significant boost in housing supply. As such I do not consider it necessary to revise the local housing need figure on this basis. The Plan is required to be reviewed within five years and this would be the appropriate point at which to carefully revisit the local housing need figure.
58. Through the Dtc process no adjoining authority, including within the wider housing market area, has requested assistance to help meet any unmet housing needs. Reference is made to wider unmet housing need in the Greater London area. Whilst I recognise there were concerns on the adoption of the 2021 London Plan regarding the ability to deliver sufficient housing, there is little before me that matters have moved forward during the preparation of this Plan. Accordingly, it would not be necessary for soundness for this Plan to accommodate an arbitrary quantum of unmet housing need in the absence of any agreed strategic approach between Greater London and the wider South-East authorities, if indeed, that is ultimately deemed to be required.
59. In terms of translating the housing need into a separate housing requirement figure, it would not be necessary for plan soundness for the housing requirement to be higher than the housing need figure. In terms of whether the figure should be lower, there is little doubt that the scale of growth will have some negative environmental impacts, as demonstrated in the SA report.

¹⁴ Resulting in an uplift in the affordability ratio for Maidstone from 10.0 (38%) to 10.85 (43%).

These include harms to landscape quality, a further demand on stressed water resources, the loss of areas of best and most versatile agricultural land and potential impacts on protected habitats. These harms are not unique to the proposed spatial strategy. They are the consequence of a significant level of growth in a predominantly rural Borough.

60. There is, however, no evidence through the SA or HRA processes or the various SoCGs with bodies such as Natural England or the Environment Agency, that potential adverse effects arising from the proposed levels of growth are such that environmental capacity would be unacceptably breached. Various mitigations are proposed in the Plan such that when balancing residual environmental harms, they would not significantly and demonstrably outweigh the benefits of providing much needed homes and supporting a strong, competitive economy in the Borough. As such housing numbers would not need to be lowered in the terms envisaged at NPPF paragraph 11b).
61. When taken over the extended plan period, the overall housing requirement would need to increase from 17,355 to 19,669. This requirement would need to be expressed as a minimum (i.e. 'at least') consistent with national planning policy at paragraph 61 of the NPPF, which states that housing needs assessments determine the minimum number of homes needed. Accordingly, I recommend **MM7** which would adjust the housing requirement in the spatial strategy at submitted Policy LPRSS1 so that the Plan would be consistent with national policy, justified and positively prepared.

Requirements for Employment and Retail

62. The Plan is underpinned by a comprehensive evidence base on the need for economic development over the Plan period. The initial assessment was undertaken in the Economic Development Needs Study (EDNS) in two stages in 2019 and 2020. This work, consistent with the NPPF and PPG, defines a justified functional economic market area. It appropriately examines the baseline evidence in terms of the existing commercial activity, the labour market and wider economic drivers. I am satisfied that the Plan sets out clear spatial objectives for sustainable economic growth over the plan period consistent with the EDNS evidence which fits with the Council's Economic Development Strategy 2021, the South East Local Enterprise Partnership's Economic Recovery and Renewal Strategy and the Kent and Medway Enterprise and Productivity Strategy.
63. In terms of assessing the requirements for employment space, the EDNS has appropriately looked at scenarios of labour demand (derived from Experian economic forecasts), past trends in completions and estimates of local labour supply based on demographic modelling in the SHMA update. The EDNS Addendum in 2021 has revisited the scenarios to take account of recent changes to the Use Classes Order, impacts of Brexit and Covid-19 and to apply