

## **MAIDSTONE BOROUGH LOCAL PLAN REVIEW**

### **DRAFT PLAN FOR SUBMISSION (REGULATION 19)**

#### **OBJECTION TO SOUNDNESS ON BEHALF OF LENHAM PARISH COUNCIL**

##### **POLICY LPRSS1** **SPATIAL STRATEGY** **LPC ONE**

1. Lenham Parish Council (LPC) supports the quantum of strategic housing and employment floorspace as provided for in policy LPRSS (1) and (2).
2. LPC does not however support the provision of a Garden Settlement at Lenham Heath as proposed in policy LPRSS1(6) as a means of securing this quantum of development.
3. Despite statements to the contrary on its website, the Borough Council has never provided an explanation of how the council arrived at Heathlands as a location to promote as its own proposed Garden Community. Where land is promoted by a private landowner or developer such an explanation is not necessary. Where the promoter is the Borough Council itself, however, it is very important that the initial sieve analysis that led to the conclusion that Heathlands was the most suitable location for selection as the Borough Council's preferred option should be made available to the public for examination. The Parish Council has written to the Borough Council on several occasions requesting this information but has been informed that it exists but that it is commercially confidential. As the selection of Heathlands forms a key part of the Borough spatial strategy, the Parish Council believes it is very important that the public be allowed scrutiny of the documentation which led to the initial identification of Lenham Heath as a location for a Garden Community.
4. Put simply, the Parish Council does not believe that an unbiased and independent examination of development potential across the entire borough could lead to the identification of Lenham Heath as a suitable location for sustainable development, let alone a preferred location.
5. The Parish Council believes that Heathlands should be deleted from the plan in its entirety.
6. The Parish Council also believes that any development lost by the deletion of Heathlands could be provided for by the development of other strategic locations included within the plan, such as Invicta Barracks or within the Leeds Langley corridor. The Parish Council therefore supports the policy LPRSS1(7) and believes that the development potential of these two locations should be fully and properly explored further within the plan.
7. The Parish Council supports policy LPRSS1(15) regarding infrastructure provision but does not believe that it has been demonstrated that it is practical or viable to develop Heathlands and provide the massive investment in essential new infrastructure in a timely manner.
8. The main reasons that the Parish Council believe Heathlands should be deleted from the plan are as set out in Appendix LPC 1, which is attached to this Statement.

## **APPENDIX LPC 1**

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### **POLICY LPRSS1**

### **MAIDSTONE BOROUGH SPATIAL STRATEGY**

#### **Isolated Location**

The fundamental problem with Heathlands is that it is in the wrong place. Lenham is situated in a rural location, equidistant from the two nearest urban centres of Maidstone (10 miles) and Ashford (10 miles). To locate 5,000 houses at Heathlands means that the occupants of those houses would have to travel at least 10 miles to reach higher order town centre facilities such as hospitals, a choice of secondary education, larger retail units and significant concentrations of employment.

To locate 5,000 new jobs at Heathlands creates a similar problem in relation to employment. In a market economy, the extent to which the new occupants can both live and work at Heathlands will be limited. That means the employees in the new employment will, to a large extent, have to travel from the larger concentrations of housing in Maidstone and Ashford to work at Heathlands.

The net result is a complex criss-cross movement of residents travelling out of Heathlands and employees travelling into Heathlands.

That pattern of movement would require energy, of whatever type, to fuel it. The selection of a pattern of development which generates excessive amounts of carbon dioxide is contrary to both local and national policies on climate change.

Even if a new railway station could be provided to serve Heathlands, that rail service would have a limited capacity and a limited ability to serve all the desired journey destinations. To divert existing bus routes into Heathlands would only serve to make bus journey times longer, even if a greater frequency of service could be provided. The excessive journey times involved in a stopping bus service over a 10 mile journey would mean that both rail and bus journeys would have a limited attraction compared to the possibility of travel by private motor-vehicles. Heathlands is essentially a car dependent proposition.

Because of its isolation the need to use energy to travel to Heathlands would be particularly evident during the construction phase of the project.

There will also be an excessive need to travel long distances during the initial occupation of the development before the fullest range of local facilities can be established.

## **Are more sustainable locations available?**

The inherent isolation of Heathlands would not be as much of a problem for the plan-maker if Lenham was the only location within Maidstone Borough suitable to accommodate major urban growth.

The sustainability appraisal examines the reasonable alternatives open within Maidstone Borough at this time to accommodate urban development. The sustainability appraisal for the Regulation 19 plan was prepared by LUC and was published on the 22nd of September 2021.

Paragraph 4.18 in the sustainability appraisal describes Garden Community experience elsewhere in the UK and expresses some caution as to the practicalities of this form of development.

Paragraph 4.22 of the sustainability appraisal rules out development within the Leeds - Langley corridor as a Garden Community option at a very early stage in the process. This is despite the fact that the inspector at the previous Maidstone Borough Local Plan examination specifically inserted policy LPR1 (Page 314) into the 2017 Plan that stated that the potential at Leeds - Langley should be incorporated within an early review, which should be adopted by 2021.

Paragraph 4.28 of the sustainability appraisal states that a one Garden Community approach performed most strongly and gives the reasons for that conclusion. The same paragraph states that a two Garden Community approach performed least well against sustainability criteria.

Despite these conclusions the Plan strategy is for a two Garden Community option.

Paragraph 4.29 of the sustainability appraisal states that selecting central Maidstone was more sustainable across a range of sustainability options.

Paragraph 4.47 of the sustainability appraisal states that Lidsing performs most strongly followed by Marden. **The same paragraph states that Heathlands performed least well across the range of sustainability objectives.**

Paragraph 5.19 reports Maidstone Borough Council's objective to become carbon neutral by 2030 but makes no comment on how an informed distribution of land uses within the Local Plan Review might contribute to that objective.

The sustainability appraisal contains no measurement or comparative quantification of the carbon footprint of the alternative spatial strategies. Best practice in this area is described in *'The Climate Crisis – A Guide for Local Authorities on Planning for Climate Change'* produced jointly by TCPA and RTPI. Section 3.2 of the Guide gives guidance on the requisite evidence base for plan-making as follows:

***“Some elements of climate change evidence are clearly available through up-to-date strategic flood risk assessments or through national data on carbon dioxide emissions and heat networks or the work of the Climate Change Committee. There are a number of online tools which can help local planning authorities to work out their local carbon budgets such as the Tyndall Centre Carbon Budget Tool. The RTPI’s Climate Tools for Planners Online Resource outlines climate adaptation and mitigation tools that can be used in development management and plan-making.”***

Unfortunately, despite this best-practice guidance, no comparative quantitative data on carbon dioxide emissions, for example, is contained within the Plan or the supporting sustainability appraisal. The Plan is unsound in this regard alone.

Chapter 10 of the sustainability appraisal contains a statement outlining how the appraisal was taken into account by the Borough Council in preparing the Local Plan Review (LUC217-LUC220). The statement makes reference to a clear political desire both for Garden Communities to be included and to limit growth in urban Maidstone and in rural settlements.

### **Conclusion: Should Heathlands remain in the Local Plan Review?**

The Local Plan Review selected Heathlands as part of the spatial strategy despite the fact that the sustainability appraisal describes this Garden Community as performing least well across a range of sustainability objectives.

There are better, more sustainable locations, such as Marden and Maidstone urban area, which are favourably evaluated as development options within the sustainability appraisal.

These locations are not selected for inclusion in the Regulation 19 Draft Plan, apparently, because of a political desire to limit development at certain pre-determined locations.

Page 219 of the sustainability appraisal states: *‘There is a clear desire for growth to be limited both in urban Maidstone and in rural settlements.’* The above statement of *‘Reasons for choosing the Plan’* is entirely inconsistent with the location of Heathlands which is immediately adjacent to the rural settlement of Lenham when it is extended by the allocations within the **‘made’** Lenham Neighbourhood Plan.

The national planning policy framework, at Paragraph 11, states that Plans should promote sustainable patterns of development that seek to mitigate climate change, including making effective use of land in urban areas.

Under the heading *‘Promoting Sustainable Transport’*, the National Planning Policy Framework gives the following helpful guidance on how to minimise journeys across an area. Paragraph 106 (a) states that planning policy should:

***“Support an appropriate mix of uses across an area ..... to minimise the number and length of journeys needed for employment, shopping, leisure and other activities.”***

The above analysis demonstrates that the pattern of land use selected in the Local Plan Review does not mitigate climate change to the extent that could be achieved by selecting development options which would minimise the need to travel. This is despite the plan being informed by a sustainability appraisal which suggests an alternative pattern of development which would perform more strongly against such criterion.

In the Local Plan Review the introduction to policy LPRSP14(C) Climate Change reads as follows:

***“7.171 In April 2019 Maidstone Borough Council approved a motion recognising global climate and biodiversity emergencies. The Council articulated this recognition through its new draft ‘Biodiversity and Climate Change Strategy’ which builds on the Council’s commitment to embed the climate and biodiversity emergency strategies across the organisation.***

***7.172 Planning plays a fundamental and decisive role in helping the Council to deliver carbon neutrality and the National Planning Policy Framework embeds climate change and biodiversity at the heart of the planning system.***

***7.173 A statutory duty is placed upon LPAs under Section 19(1A) of the Planning and Compulsory Purchase Act 2004, who are required to include in their Local Plans ‘Policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigations of, and adaptation to, climate change’. Additionally, the Planning and Energy Act 2008 allows Local Planning Authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the Building Regulations.***

***7.174 The growth proposed in the Borough has to be balanced with the need to respond to the climate change and biodiversity emergencies. New development will be expected to mitigate against and be adaptable to climate change through a range of measures outlined in the policy below.”***

Lenham Parish Council is fully supportive of the objective of mitigating the harmful effects of climate change. As a consequence, the Parish Council fully supports Paragraphs 7.171 – 7.174 above. In the Draft Plan Policy LPRSP14(C) (1) Climate Change reads as follows:

***“To ensure that development in the Borough mitigates and adapts to climate change the Council will:***

***1. Adopt a strategy for growth which delivers development in sustainable locations, well-supported by or capable of delivering better services and public transport WHICH WILL MINIMISE THE NEED TO TRAVEL”.*** (Writer’s emphasis.)

Lenham Parish Council would wish to draw the following conclusions in relation to climate change:

1. The spatial strategy within the review could play a fundamental and decisive role in helping the Borough deliver carbon neutrality.
2. The Borough is under a statutory duty to include policies within the review designed to secure a spatial strategy for development which contributes to the mitigation of and adaption to climate change.
3. The identification of Heathlands in the review is in direct conflict with the above statutory duty and the objectives of policy LPRSP14(C) (1) because Heathlands is not a sustainable location and does not and cannot MINIMISE THE NEED TO TRAVEL.

4. The main problems with Heathlands are:
- a) Heathlands is isolated from town-centres providing employment, shopping, leisure, education and other activities thus creating a need to travel over comparatively long distances.
  - b) Heathlands will never be able to deliver anything close to the 5,000 new jobs requirement under policy to meet the TCPA Garden Community guidelines.
  - c) Uncertainty as to whether and how a new rail station could be delivered on the slow Ashford to Maidstone line. Even if a new station could be delivered, the line will only have limited capacity and relatively long journey times.
  - d) The use of conventional bus services running on the existing congested highway network over comparatively long distances would be slow and would offer only limited attraction over the alternative, which would be the use of the private motor vehicle.
  - e) Under the policy, Heathlands is to have a potential connection to a new M20 motorway junction. Setting aside the myriad of problems associated with the creation of a new motorway junction solely to serve a speculative development proposal, this policy acknowledges that Heathlands always was inherently a car-based strategy. Such a strategy is not sustainable, would not encourage public transport and would not minimise the need to travel.

The Parish Council concludes that the allocation of Heathlands in Policy LPRSP4(A) is in DIRECT CONFLICT with Policy LPRSP14 (C) which aims to deliver growth in sustainable locations. The Parish Council therefore concludes that to comply with climate change legislation, the Heathlands proposal should be deleted from the Local Plan Review in its entirety.

The Parish Council has adopted the following policy in relation to the local plan review:

1. Delete Heathlands from the Maidstone Borough Local Plan Review in its entirety.
2. Replace the 1,400 homes and employment provision lost within the Plan period to 2037 by a combination of one or more of the following development options listed in order of preference:
  - (a) Development of a high-quality, high density, mixed use, urban quarter on the sustainable and accessible brownfield Invicta Park Barracks site. There is no evidence in the review that the capacity of the Invicta Park Barracks site has been tested in accordance with the principles of sustainable development and mitigation of climate change as set out in the July 2021 update of the NPPF. Nor is this option tested as a reasonable alternative in the sustainability appraisal. As a consequence, the Parish Council believes that the current Regulation 19 Draft Plan and the supporting sustainability appraisal may not be legally compliant.
  - (b) Development of a mixed-use, sustainable village expansion at Marden based on the existing railway station supporting and building on the existing village facilities and the existing employment infrastructure.

(c) Development of residential windfall sites based on a continuation of historic windfall delivery rates actually achieved over the last 11 years in accordance with Government policy as set out in Paragraph 71 of the National Planning Policy Framework (NPPF).

(d) High-quality, mixed-use sustainable development within the Leeds - Langley corridor in accordance with the principles outlined in the Stantec report – “*Leeds - Langley Relief Road Responding to LPR1*” prepared on behalf of Maidstone Borough Council in April 2021 and released to the public in September 2021.

(e) Sustainable mixed-use development in accordance with the principles of Local Plan Review Policy LPRSP5(c) – Lenham broad location and delivered through Lenham Neighbourhood Plan First Review Post 2031. Any housing development delivered should be based on a continuation of the established maximum build rate for Lenham Parish of 100 dwellings per annum. Any development should also be based on the principle that it will deliver all essential supporting infrastructure.